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THE
REVISED CODE OF ORDINANCES
OF THE
CITY OF HOUSTON
OF 1914

Passed May 6, 1914

Approved by the Mayor May 6, 1914

HARRIS COUNTY, TEXAS

IN CONNECTION WITH WHICH ARE PUBLISHED THE
CHARTER OF THE CITY OF HOUSTON, AS AMENDED
TO OCTOBER 1913, AND EXTRACTS FROM THE
CONSTITUTION, THE REVISED CIVIL
STATUTES OF 1911, AND THE
CODE OF CRIMINAL PROCEDURE
RELATING TO MUNICIPAL
CORPORATIONS

Houston Tex. -- Ordinances

COMPILED AND INDEXED
BY
E. P. PHELPS
of the
HOUSTON BAR

PUBLISHED BY AUTHORITY OF THE CITY COUNCIL
OF THE CITY OF HOUSTON

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CHARTER

OF THE

CITY OF HOUSTON

PASSED - - MARCH, 1905
AMENDED - - APRIL, 1905
AMENDED - AUGUST, 1911
AND AMENDED BY VOTERS
OCTOBER, 1913

COMPILED AND INDEXED
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OF THE CITY OF HOUSTON

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PREFACE

In 1905 the Twenty-ninth Legislature granted to the "City of Houston" a new Charter, giving to it what is commonly known as the Commission Form of Government. This was a material departure from the old method. It was found necessary at the same session of the Legislature to amend Sections 2 and 17 of Article 9 of said Charter for the purpose of providing for an election, etc., and it was amended.

The Thirty-second Legislature in 1911 again amended the Charter, subject to a ratification by the voters, by adding Article IV(a), entitled "Street Improvements." This amendment was subsequently ratified. No other amendments were made until 1913, when at an election held on October fifteenth, the voters of the city, by virtue of the authority conferred upon them by constitutional amendment and the enabling act passed in pursuance thereof by the Thirty-third Legislature in 1913, adopted certain amendments. The Charter here presented is the Charter of the "City of Houston" as it now exists.

Where any section of the Charter has been amended by the voters it is followed by the section amended, in smaller type, and following the amended section in parenthesis is the statement "amended; see next preceding section."

Sections not amended by the voters have no statements in parenthesis following them, but those amended and added have following them in parenthesis "as amended" and "added by amendment 1913," respectively.

From this it can be readily determined if any section of the existing Charter is from the Charter as amended by the Legislature, or is one amended or added by the voters.

E. P. PHELPS,

Compiler.

5 My 10 City Clerk, J.

CHARTER OF THE CITY OF HOUSTON

1913

ARTICLE I.

Section 1. Corporate Name—That all the inhabitants of the City of Houston, Harris County, Texas, as the boundaries and limits of said city are herein established, or may be hereafter established, shall be a body politic, incorporated under, and to be known by, the name and style of the "City of Houston," with such powers, rights and duties as are herein provided.

Sec. 2. Boundaries Establishing the City Limits—That the boundaries and limits of said corporation, the City of Houston, shall until changed by the City Council under some provision of this Charter be as follows:

Beginning at a point on the west line of the John Austin survey in the center of Buffalo Bayou;

Thence north along the west line of the John Austin survey to the center of White Oak Bayou;

Thence down White Oak Bayou to a point on the most easterly boundary of Houston Heights, being the southeast corner of Forest Park Annex;

Thence north along the east line of Houston Heights to the present northwest corner of the City of Houston;

Thence east to the present northeast corner of the City of Houston;

Thence south along the present line of the eastern limits of the City of Houston to the north line of Lyons avenue;

Thence east along the north line of Lyons avenue and extension thereof to a point due north of the center line of Main avenue in Port Houston subdivision, north side Buffalo Bayou;

Thence south to Port Houston and thence along the center line of Main avenue and continuation thereof to Buffalo Bayou;

Thence across said bayou to the intersection of the easterly extension of the north line of blocks 138, 147 and 156 of Magnolia Park with Buffalo Bayou;

Thence west along said north line of blocks 156, 147 and 138 to the north line of Avenue O in Magnolia Park;

Thence west to the southeast corner of block 139, Magnolia Park;

Thence north along the east line of blocks 139, 149, 159, 169 and 179, Magnolia Park, to the south bank of Buffalo Bayou;

Thence up said bayou with its meanders to the west line of the H. B. and T. Railroad right of way, following the north line of the city of Magnolia Park;

Thence southwesterly along said railway to the south line of the Harrisburg Road;

Thence eastwardly along said south line of the Harrisburg Road to a northerly extension of the east line of the Country Club property;

Thence southwesterly following said line to Brays Bayou;

Thence up Brays Bayou with its meanderings to the intersection of the easterly extension of a line running east and west parallel with the south line of the present limits of the City of Houston, and one mile south thereof;

Thence west along said line to the west line of the Obedience Smith survey;

Thence north along the west line of the Obedience Smith survey and the west line of the John Austin survey to the center of Buffalo Bayou and the place of beginning.

Provided, that nothing herein or by reason hereof is to be construed to in any wise affect, curtail or abandon the jurisdiction of the City of Houston over that territory not included herein, which was acquired and obtained by virtue of that certain ordinance passed by the City Council of said city on the 18th day of April, 1913, entitled: "An ordinance extending the corporate limits of the City of Houston eastwardly in a general direction with Buffalo Bayou and the Houston Ship Channel, so as to include in said city the said navigable stream and the land lying on both sides thereof for a distance of twenty-five hundred (2500) feet from the thread of said stream, to a distance of twenty (20) miles in an air line from the present eastern boundary of said city as established by the City Charter granted by the Legislature of the State of Texas in the year 1905; and also extending the western limits of said city westwardly in a general direction with said Buffalo Bayou, so as to include said stream and the land lying on both sides thereof for a distance of twenty-five hundred (2500) feet from the thread of said stream to the dividing line between the Robert Vince survey and the Charles Sage and Alex. Ewing surveys, and declaring an emergency." But said ordinance, except so far as the same may be amended hereby, is to remain in full force and effect and the said City of Houston is to have and exercise all the rights, powers, authority and privileges in said territory given by law and acquired by reason of the passage of said ordinance. (As amended, 1913.)

Sec. 2. Boundaries—That the boundaries and limits of said corporation shall be four miles square, to be run with the cardinal points of the compass, of which the center of the Court House Square of Harris County, in the City of Houston, shall be the center; provided, that such part of the present boundaries of the incorporated town of Houston Heights as may be included in the above description of the boundaries of the City of Houston, shall be excepted therefrom and not included in the boundaries or limits of the City of Houston. (Amended; see next preceding section.)

Sec. 2a. Extending City Limits Upon Petition—That the City of Houston, whenever a majority of the qualified voters who are citizens of the State of Texas and inhabitants of any territory adjoining said City of Houston desire the annexation of such territory to said city, they may present a written petition to that effect to the City Council, and shall attach to said petition the affidavit of one or more of their number to the effect that said petition is signed by a majority of such qualified voters; and thereupon the City Council, at any regular session held not sooner than 20 days after the presentation of said petition, may by ordinance annex such territory to the City of Houston and thenceforth

the said territory shall be a part of the City of Houston, and the inhabitants thereof shall be entitled to all the rights and privileges of other citizens and shall be bound by the acts, ordinances, resolutions and regulations of the said city. (Added by amendment, 1913.)

Sec. 2b. Extending Limits by Action of City Council—The City Council shall have power by ordinance to fix the boundary limits of the said City of Houston and to provide for the extension of said boundary limits and the annexation of additional territory lying adjacent to said city with or without the consent of the territory and inhabitants annexed; that upon the introduction of such an ordinance in the Council after it has been reported upon by the Ordinance Committee and has been amended as desired by the Council for final passage it shall be published in some daily newspaper published in the City of Houston one time, and shall not thereafter be finally passed until at least 30 days has elapsed after said publication, and when said ordinance is finally passed the said territory so annexed shall be a part of the City of Houston, and the inhabitants thereof shall be entitled to all the rights and privileges of other citizens, and shall be bound by the acts, ordinances, resolutions and regulations of the said city. (Added by amendment, 1913.)

Sec. 3. Platting of Property—That should any property lying within the city limits as established by this act be hereafter platted into blocks and lots, then and in that event the owners of said property shall plat and lay the same off to conform to the streets and lots abutting on same, and shall file with the City Engineer a correct map of same; provided, that in no case shall the City of Houston be required to pay for any of said streets at whatever date opened, but when opened by reason of the platting of said property, at whatever date platted, they shall become by such act the property of the City of Houston for use as public highways, and shall be cared for as such.

ARTICLE II.

Section 1. Corporate Powers—The City of Houston, made a body politic and corporate by this act, shall have perpetual succession, may use a common seal, may sue and be sued, may contract and be contracted with, implead and be impleaded in all courts and places and in all matters whatever, may take, hold and purchase lands as may be needed for the corporate purposes of said city, and may sell any real estate or personal property owned by it, perform and render all public services, and, when deemed expedient, may condemn property for public use, and may hold, manage and control the same; such condemnation proceedings to be governed and controlled by the law now in force in reference to the condemnation of the right of way of railroad companies and the assessment of damages therefor, and shall be subject to all the duties and obligations now pertaining to or incumbent upon said city as a corporation not in conflict with the provisions of this act, and shall enjoy all the rights, immunities, powers, privileges and franchises now possessed and enjoyed by said city and herein granted and conferred.

Sec. 2. General Powers—(a) The City Council shall have power to enact and to enforce all ordinances necessary to protect life, health and property; to prevent and summarily abate and remove nuisances; to pre-

serve and promote good government, order, security, amusement, peace, quiet, education, prosperity and the general welfare of said city and its inhabitants; to exercise all the municipal powers necessary to the complete and efficient management and control of the municipal property and affairs of said city to effect the efficient administration of the municipal government of said city; to exercise such powers as conduce to the public welfare, happiness and prosperity of said city and its inhabitants; and to enact and enforce any and all ordinances upon any subject; provided, that no ordinance shall be enacted inconsistent with the provisions of this Charter; and, provided further, that the specification of particular powers shall never be construed as a limitation upon the general powers herein granted; it being intended by this Charter to grant to and bestow upon the inhabitants of the City of Houston and the City of Houston full power of local self-government, and it shall have and exercise all powers of municipal government not prohibited to it by its Charter, or by the provisions of the Constitution of the State of Texas.

(b) The city shall have all powers that are or hereafter may be granted to municipalities by the Constitution or laws of Texas; and all such powers, whether expressed or implied, shall be exercised and enforced in the manner prescribed by this Charter, or when not prescribed herein, in such manner as shall be provided by ordinance or resolution of the Council.

In addition to all the powers enumerated in this Charter, implied thereby or appropriate to the exercise thereof, the city shall have and may exercise, in the manner hereinbefore provided, all other powers which, under the Constitution and laws of this State, it would have been competent for this Charter specifically to enumerate. (As amended, 1913.)

Sec. 2. Powers of Ordinance—The City of Houston shall have power to enact and to enforce all ordinances necessary to protect health, life and property, and to prevent and summarily abate and remove nuisances, and to preserve and enforce the good government, order and security of the city and its inhabitants; to protect the lives, health and property of the inhabitants of said city, and to enact and enforce any and all ordinances upon any subject; provided, that no ordinance shall be enacted inconsistent with the laws of the State of Texas, or inconsistent with the provisions of this act; and provided, further, that the specification of particular powers shall never be construed as a limitation upon the general powers herein granted; it being intended by this act to grant to and bestow upon the inhabitants of the City of Houston and the City of Houston full power of self-government, and it shall have and exercise all powers of municipal government not prohibited to it by this Charter or by some general law of the State of Texas, or by the provisions of the Constitution of the State of Texas. (Amended; see preceding section.)

Sec. 3. Real Estate, Etc., Owned by City—All real estate owned in fee simple title, or held by lease, sufferance, easement or otherwise; all public buildings, market houses, school houses, fire engine stations, public squares, parks, streets, alleys, and all property of whatever kind, character and description which has been granted, donated, purchased, or otherwise acquired by the City of Houston through any means or agency, and all causes of action, choses in action, rights or privileges of every kind and character, and all property of whatsoever character or description which may have been held, and is now held, controlled or used by said City of Houston for public uses or in trust for the public shall vest in, and remain in and inure to the said corporation, the City of Houston, under this act; and all suits and pending actions to which the City of Houston heretofore was or now is a party, plaintiff or de-

fendant, shall in no wise be affected or terminated by the provisions of this act, but shall continue unabated.

Sec. 4. Street Powers—The City of Houston shall have power to lay out, establish, open, alter, widen, lower, extend, grade, narrow, care for, sell, pave, supervise, maintain and improve streets, alleys, sidewalks, squares, parks, public places and bridges, and to vacate and close the same; and to regulate the use thereof; and to require the removal from the streets and sidewalks of all obstructions, telegraph, telephone, street railway or other poles carrying electric wires, signs, fruit stands, show-cases, and encroachments of every character upon said streets or sidewalks; and to vacate and close private ways.

Sec 4a. Power of Improvement by Condemnation—The City of Houston shall also have power to open, extend, straighten, widen and improve any public street, alley, avenue or boulevard and for such purposes to acquire the necessary lands and to appropriate the same under the power of eminent domain, and to provide that the cost of improving any such street, alley, avenue or boulevard by opening, extending and widening the same shall be paid by the owners of the property specially benefited whose property lies in the territory of such improvements, and to provide that the cost shall be charged by special assessment, and that a personal charge shall be made against any owner for the amount due by him and to provide for the appointment, by the County Judge or other officer exercising like or similar powers, of three special commissioners for the purpose of condemning the said lands and for the purpose of apportioning the said cost, which apportionment of said cost shall be specially assessed by the governing authorities against the owners and the property of the owners lying in the territory so found to be specially benefited in enhanced value by the said special commissioners. That the city shall pay such portion of such cost as may be determined by the said special commissioners, provided the same shall never exceed one-third of the cost, and the property owners and their property shall be liable for the balance of the same as may be apportioned by said commissioners. That the city may issue assignable certificates for the payment of any such cost against such property owners, and may provide for the payments of any such cost in deferred payments, to bear interest at such rate as may be prescribed by the Charter, not to exceed 8 per cent. That the city may adopt any other method for the opening, straightening, widening or extending of its streets as herein provided for as may be deemed advisable and charge the cost of same against the property and the owner specially benefited in enhanced value and lying in the territory of said improvement that its Charter may provide. That the authority to adopt any other method shall include the manner of appointing commissioners, the manner of giving notice and the manner of fixing assessments or providing for the payment for any such improvement.

The City Council shall have power to pass any and all ordinances necessary to carry out the provisions of this section. (Added by amendment, 1913.)

Sec. 5. To Regulate Street and Electric Railway Companies—The City of Houston shall have the power, by ordinance or otherwise, to regulate the speed of engines, locomotives and street cars within the limits of said city; and to require steam railway companies to keep the streets over which they run properly drained, and to light the same wherever deemed

necessary, and to require steam and electric railway companies to construct and keep in repair, from curb to curb, bridges and crossings over all the ditches, and to construct and maintain drains and culverts where crossed by any line of said railways on all streets over which they run; to direct and control the laying and construction of railroad tracks, turnouts and switches, and to regulate the grade of same, and to require them to conform to the grade of the streets of said city as they may be or are now established, and that said tracks, turnouts and switches be so constructed and laid out as to interfere as little as possible with the ordinary travel in the use of the streets.

The City of Houston shall have power by ordinance or otherwise to require steam railways using any portion of the streets of the city to pay all or any part of the paving, grading, draining and repair thereof along the street so used by such railway, and to light the same whenever and wherever deemed necessary or advisable.

Said city shall have power by ordinance or otherwise to require any street or electric railway company to pay the cost of the grading, paving, repairing or repaving or otherwise improving the street or streets or intersections thereof used or occupied by such railway company, and such cost shall be a lien upon the property and franchises of the company. The portion of the street occupied by an electric or street railway company shall be deemed to be the space between its tracks and twelve inches on the outside of each of its rails, and all the space between double tracks, turnouts and switches.

Any railroad company or street railway company proposing, with the permission of the Council, to occupy any street or streets already occupied by any such other company, shall, besides paying for paving as may be required by the City Council, or by the provisions of this act, be required also to pay for paving between the tracks of said two roads to within twelve inches of the track of such other road, and such cost shall be a lien upon the property and franchises of the company.

Should any railroad or street railway company propose to lay a track on any street or portion of a street which shall have been improved under the provisions of this act, it shall become liable for the portion of the cost of such improvement as the City Council may direct, or as is fixed by this act.

No railroad or street railway company shall be permitted to occupy any street or portion of a street, improved or otherwise, not previously occupied by it, except with the permission of the City Council.

The City Council shall have power by ordinance to require any street car or electric railway company, or other person or corporation operating street cars in, into or through the City of Houston, to issue to its passengers transfers from any of its lines to any other lines within the city, upon the payment by said passenger of the fare or rate prescribed for one continuous passage.

Sec. 5a. Interchange of Service or Common Use of Tracks, Poles, Etc.—The City of Houston shall have the power by ordinance to provide for the interchange of service or common use by and between every person, firm, corporation, assignee, trustee or receiver, including the City of Houston, owning, using, operating or controlling any franchise or public utility in the City of Houston, over and of the lines, tracks or properties owned, held, maintained or operated by such person, firm, corporation, assignee, trustee or receiver under such franchise, and

to have the power to enforce all ordinances passed hereunder by appropriate provisions, penal or otherwise, including the repeal and forfeiture of any of said franchises for non-compliance with the provisions of any ordinance or requirement passed under authority hereof.

By the term "interchange of service or common use" as herein used is meant that any person, firm, corporation, assignee, trustee or receiver holding a franchise from the city for any public utility shall allow the use by the City of Houston or any other person, firm, corporation, etc., owning, using, operating or controlling any franchise or public utility in the City of Houston upon the payment of a reasonable rental for such use of any of its poles, tracks, wires, conduits, electric current, right of way or other properties or equipment.

The City of Houston shall also provide such reasonable rates of charge and conditions of use as in its judgment may be meet and proper, and the City Council shall especially have the power to compel any railroad or terminal company, whether operated by steam, electricity or other power, to allow any other terminal or railroad company or the City of Houston to use its tracks or physical property under such reasonable regulations as to time and manner of use and compensation therefor as the City Council may fix. (Added by amendment, 1913.)

Sec. 6. To Regulate Rates of Public Utilities—The City Council shall have the power by ordinance to fix and regulate the price of water, gas and electric lights, and to regulate and fix the fares, tolls and charges of local telephones and exchanges; of public carriers and hacks, whether transporting passengers, freight or baggage, and generally to fix and regulate the rates, tolls or charges of all public utilities of every kind.

To fix and regulate the fares and charges of electric or street railway companies, and shall require by ordinance, under proper penalties, that any street railroad using any of the streets of the city shall for one fare give a transfer from any of its lines to any other line in the city, whether such other line be owned by it or any other company, and in addition to the penalties to be prescribed by ordinance for the failure to give transfers, shall have the right by mandamus or other proper remedy in any court of competent jurisdiction to enforce any ordinance requiring the giving of transfers by any street railroad company; and in addition thereto the City of Houston may recover of the street railway company the sum of twenty-five dollars as penalty and liquidated damages for each and every failure to give a transfer.

It shall be unlawful to continue, amend or extend any street railroad franchise, without binding any such railroad to give universal transfers, under provisions to be fixed by general ordinance.

Sec. 6a. Service and Extensions by Public Utility Concerns—The City of Houston shall also have power by ordinance to prescribe the character, quality and efficiency of service to be rendered, given, performed and furnished, and the kind and design of material to be used in all their improvements by persons, firms, corporations, assignees, trustees or receivers engaged in the business of furnishing water, gas, electric lights, telephone service or in the transportation of passengers, or freight and baggage, or in the operation of any public utility of any kind operated under franchise from the City of Houston, and the improvement of their service in a manner necessary or required for the public comfort and convenience, and to make improvements and betterments of their property. The City of Houston shall also have the power to regulate the extension of the

lines or service of any public utility operated under franchise from the City of Houston, and shall have the authority by ordinance to require, prohibit or otherwise regulate such extensions of lines or service, and the City Council may of its own motion, and shall at the request of any person, firm or corporation affected by any such proposed extension make provision for a hearing for the purpose of determining the reasonableness thereof and public necessity therefor.

All such hearings shall be conducted under such provisions as the City Council may prescribe. Nothing herein shall prevent the City Council from making general rules and regulations for the extension of lines or service.

The City Council shall have power to enforce all ordinances passed under the authority hereof by appropriate provisions, penal or otherwise, including the repeal or forfeiture of any of said franchises for non-compliance with the provisions of any ordinance passed by authority hereof. (Added by amendment, 1913.)

Sec. 7. May Own Waterworks—The City of Houston may buy or construct, own, maintain and operate a system of waterworks, gas or electric lighting plants, street cars and sewers, and it shall be its duty to regulate, care for and dispose of sewage, waste water, surface water, offal, garbage and other refuse matter, and to make rules and regulations governing the same, and prescribe penalties for violations of said rules and regulations.

Sec. 7a. Ownership, Etc., of Public Utilities—The City of Houston may by purchase, lease, condemnation, construction or otherwise, establish, own, equip, maintain, conduct and operate, in whole or in part, libraries, reading rooms, art galleries, museums, assembly or convention halls, parks, playgrounds, gymnasiums, baths, public toilets and comfort stations, abattoirs, municipal lodging houses and tenement houses, dispensaries, infirmaries, free employment bureaus, almshouses, work farms, detention homes, cemeteries, crematories, morgues, works or plants for the preparation, manufacture, handling or transportation of materials required in the construction, completion, maintenance or repair of streets, bridges, sidewalks, sewers and any public work, improvement, building or utility, whether specifically mentioned herein or not, and shall have power to purchase and contract for any and all materials used in connection with the operation of said works or plants, or the maintenance or repair of streets, bridges, etc., herein above mentioned, and shall further have power to bid on any public work or improvement proposed or instituted by or in the City of Houston, and to contract for the same in like manner and upon the same terms and conditions as other contractors, with the power to purchase any and all materials which may be necessary to carry out and perform such contract whether same are of the kind repaired, manufactured or handled in the plants or works owned by the City of Houston or not. The City of Houston may also by purchase, condemnation, construction or otherwise establish, own, equip, maintain, conduct and operate in whole or in part steam laundries, ice factories, bakeries, belt and terminal railways and union depots within or without the City of Houston; also, any and all buildings, establishments, institutions and places, whether situated inside or outside of the city limits, which are necessary or convenient for the transaction of public business or for promoting the health, morals, education or welfare of the inhabitants of the city, or for their amusement, recreation, entertainment or

benefit; provided, that no contract, appropriation or expenditure under this section in excess of one thousand dollars shall ever be valid, unless authorized by ordinance duly passed by the Council, after it has been read at three regular meetings. (Added by amendment, 1913.)

Sec. 7b. Power of the City to Buy and Sell Electricity, Etc.—The City of Houston shall have the power to buy gas, electricity, steam, water or any other kind of power, service or commodity needed for public use, and shall have the right to resell by wholesale or retail all such gas, electricity, steam or water power, service or commodity which it may not need for its own use; provided, that no such purchase or sale shall be made by the City Council except upon and by authority of an ordinance, passed after it has been read at three regular meetings; provided further, that before the city shall be bound by any contract sought to be made by the Council for the purchase or sale of any gas, electricity, steam or other power, commodity or service for a longer period of time than five years, the proposition therefor shall be submitted to a vote of the people of the City of Houston, which proposition shall consist of the ordinance proposed by the City Council and the material terms of the contract, and unless a majority of the votes cast at such election is in favor of the making of such contract the same shall not be made. Said election shall be held in the manner provided in this Charter and the ordinance ordering the same. (Added by amendment, 1913.)

Sec. 8. Fires—The City of Houston shall have power to provide means for the protection against and the extinguishment of conflagrations, and for the regulation, maintenance and support of the fire department, and for the purpose of guarding against the calamity of fire may prescribe fire limits, and may regulate or prohibit the erection, building, placing or repairing of wooden buildings within such limits in said city as may by ordinance be designated and prescribed as fire limits, and may also within said limits prohibit the moving or putting up of any wooden buildings from without said limits, and may also prohibit the removal of any wooden buildings from one place to another within said limits, and may direct and prescribe that all buildings within the limits so designated in the ordinance as fire limits shall be made or constructed of fire-proof material, the kind, character, extent and quality of which buildings and material may by ordinance be prescribed and fixed, and may prohibit the repairing of wooden buildings in fire limits when the same shall have been damaged to within fifty per cent of the value thereof, and may prescribe the manner of finding such damages, and may declare all dilapidated buildings to be nuisances and direct the same to be repaired, removed or abated in such manner as the Council may prescribe, and may declare all wooden buildings in the fire limits which they deem dangerous to contiguous buildings, or which may cause or promote fires, to be nuisances, and may require and cause the same to be removed in such manner as may be prescribed, at the expense of the owner, and may further prescribe limits within which only a fire-proof roofing may be used, and may impose a penalty for violations of such rules and regulations.

The city shall have the right by ordinance to regulate, prescribe and govern the storage of lumber, sash, doors, blinds and any and all kinds of goods, wares and merchandise of every kind, and prescribe limits within which such materials may be carried, and fix penalties for violation of the rules and ordinances governing the same.

Sec. 9. Harbor and Water Front—Said city shall have power by itself, or in connection with the Harris County Navigation District and the Government of the United States, to acquire by purchase, lease, condemnation or otherwise, or to construct, keep, maintain, deepen, widen, cover, wall or alter waterways, channels, slips and canals; and to improve, maintain and control the water front and harbors of the city on Buffalo Bayou and its tributaries, whether within or without the city limits, and shall also have power to provide by purchase, lease, condemnation or otherwise, and to establish, construct, buy, own, maintain, equip, regulate and operate, and to lease or sell the same when constructed, elevators, warehouses, bunkers, wharves, docks, dry docks, piers, marine ways, levees, seawalls, moles, drawbridges, and other structures and appliances for facilitating or accommodating commerce or navigation on Buffalo Bayou and its tributaries, whether within or without the city limits. And it shall also have power to license, regulate and control the use of said streams, or restrain the landing, anchorage, moorage, loading and unloading of steamships and steamboats, sailing vessels, tug boats, rafts and all other water craft, on said Buffalo Bayou and its tributaries, whether within or without the city limits; to fix the rates of wharfage, dockage, towage, pilotage and tolls, and to provide for the collection thereof, and to make and enforce regulations governing the use of harbors, docks, wharves and water front and other navigable waters, and the opening and passing of bridges in the said limits on said Buffalo Bayou and its tributaries, whether within or without the limits of said city; provided, that no contract, appropriation or expenditure hereunder in excess of one thousand dollars, or any lease or sale shall be made or ever be valid unless authorized by ordinance, passed after it has been read in full at three regular meetings. (As amended, 1913.)

Sec. 9. Wharves and Docks—Said city shall have power to establish, buy, erect, maintain, own, lease and regulate wharves and docks, charge wharfage and dockage, regulate the use of White Oak and Buffalo Bayous, and fix places for the anchorage of water craft thereon. (Amended; see next preceding section.)

Sec. 10. Markets—Said city shall have power to establish, lease, maintain, regulate and operate markets and market places, and abattoirs and to build, own and maintain buildings therefor, and to rent and lease the same.

Sec. 11. Charities and Corrections—The city shall have power to establish, maintain and regulate the city prison, or city prisons, work houses, rock piles and other means of punishment for vagrants, city convicts, and disorderly persons, houses of correction and reformatories for youthful criminals, compulsory schools for children without parents, or vicious parents, or parents who wilfully and grossly neglect them, and such other places of incarceration and reformatory institutions, and such hospitals, orphanages and charitable institutions as it may deem expedient; provided, however, that no gratuity that is purely personal, and no pension shall ever be granted to any individual, and no money of the city shall be paid out except for personal services rendered, and for the other purposes specified or authorized by this act.

Sec. 12. Fines for Violation of Ordinances—That the by-laws and ordinances of the city shall be enforced by a fine not to exceed two hundred dollars (\$200.00); provided, that no ordinance or by-law shall provide a lesser penalty than is prescribed for a like offense by the laws of the State.

The City Council may provide by ordinance for the commutation of fines imposed, by labor in a work house or on a rock pile, or upon the public streets and public ways of the City of Houston, and for the collection of any fine imposed execution may be enforced as other execution issued in civil causes.

Sec. 13. Corporation Court—There shall be a court for the trial of misdemeanor offenses known as the "Corporation Court," with such powers and duties as are defined and described in an act of the Legislature of the State of Texas, and any acts amendatory thereof, entitled, "An Act to establish and create in each of the cities, towns and villages of this State a State court, to be known as the Corporation Court, in each city, town or village, and to prescribe the jurisdiction and organization thereof, and to abolish municipal courts"; said act having been presented to the Governor of Texas March 15, 1899, and not having been by him disapproved.

The magistrate of said court shall be known as the "Judge of the Corporation Court," who shall be a qualified voter, and shall be appointed by the Mayor and confirmed by the City Council, and shall hold his office for two years, unless sooner removed by the Mayor and City Council, and shall receive such salary as may be fixed by ordinance.

It shall be the duty of the Mayor, as soon as practicable after the passage of this act, to nominate some suitable person to the City Council, to be by it confirmed, for the position of Judge of the Corporation Court, who shall discharge the duties of said office under the terms and provisions of the State law creating said court, and also subject to the provisions of this act.

There shall be a clerk or clerks of said court, with such deputies as may be created or provided by ordinance by the City Council, who shall be appointed by the Mayor, and shall be subject to removal at any time by the Mayor or City Council, and shall receive such salary as may be fixed by the City Council.

The clerk or clerks of said court, and the deputies thereof, shall have the power to administer oaths and affidavits, make certificates, affix the seal of said court thereto, and generally to do and perform all things and acts usual or necessary to be performed by clerks of courts in issuing process of said courts and conducting the business thereof.

The City Council may require such clerk, clerks or deputies created by it to perform such other duties, in addition to the duties of the clerk or deputy clerk, as may be prescribed, or may provide that some other persons, in addition to other duties, may perform the duties of a clerk or deputy clerk, without extra compensation.

Sec. 14. Schools—The City of Houston an Independent School District—The City of Houston shall constitute an independent school district, subject to the general school laws of the State, except where in conflict with this act, and the city shall have authority to levy and collect taxes and appropriate funds for the support and maintenance of the public schools within its limits.

School Trustees—How Appointed, Terms of Office, Etc.—The trustees to constitute the School Board of said city shall hereafter be appointed by the Mayor, and confirmed by the Council; but the trustees now in office shall continue to serve till the expiration of their respective terms; and all vacancies caused by death, resignation, or other cause, shall be

filled by appointment in the same manner for the unexpired term. The regular term of members of the School Board shall be two years, and the regular appointment of members shall be made at the first meeting of the Council in May of each year, or as soon thereafter as practicable, and the necessary number of trustees shall be appointed to take the places of those whose terms have expired.

Right of Mayor to Veto Any Pecuniary Liability—No order, resolution, or vote of the School Board by which any pecuniary liability shall be incurred, or any funds expended or appropriated, shall become effective until ten days after the same is adopted, and a certified copy thereof furnished to the Mayor, and the Mayor may at any time during said period veto the same by filing his objections thereto in writing with the secretary of the School Board, who shall enter the objections at large upon the minutes of the Board; said order, resolution or vote shall become void, unless at the next meeting of the Board it shall again be adopted over the veto by the affirmative votes of at least five members, whose names shall be entered upon the minutes of the Board.

City Treasurer Custodian of Funds—The custodian of other city funds, as provided by this act, shall be the custodian of all public school funds upon the same terms and conditions as other funds, and his bond shall cover said school funds.

How Funds Are to be Paid Out—No school funds shall be paid out except upon pay rolls or warrants signed by the president of the School Board and the Mayor of the city, and countersigned by the City Controller.

Duty of School Board to Make Financial Statements—It shall be the duty of the School Board to make such financial statements or reports as may be requested by the Mayor or the City Council, and the Mayor or Council may make or cause to be made all such investigations as to the expenditures of funds or the conduct of the schools as either may deem proper.

Members of School Board Not to Receive Any Pay, or to Be Interested in Any Contract, or to Buy or Sell Any School Warrants, Etc.—No member of the School Board shall receive any compensation for his services in any capacity whatever, nor be interested directly or indirectly in any contract with, or claim or demand of any character against the School Board of the City of Houston. Any such contract, claim, or demand shall be void, and any member of said board who shall become interested in any such contract, claim, or demand, or shall buy or sell any school warrants or obligations of said Board, and shall have any interest in any claims or obligations of said School Board, shall be subject to removal by the City Council.

Sec. 14a. School Board to Furnish Free School Books—It is hereby made the duty of the School Board to purchase such text books as are required to be used in all the city's schools, to appropriate money from the school funds to pay for said books, and it is hereby made the duty of the Mayor of the City of Houston to approve such appropriations as are necessary to pay for said books, such books to be purchased in the manner as shall hereinafter be provided. For the school year commencing September, 1914, on or about such date, and for all terms and semesters thereafter, the School Board shall buy and furnish text books

to be used by the pupils of the first four grades, known as first, second, third and fourth grades. For the school year commencing in 1915, and for all terms and semesters thereafter, the School Board shall buy and furnish text books to be used by the pupils of the first eight grades; known as first, second, third, fourth, fifth, sixth, seventh and eighth grades. For the school year commencing in 1916, and for all terms and semesters thereafter, and for all school years, terms and semesters in the future, for all schools conducted by the City of Houston, including the freshman, sophomore, junior and senior classes of the High School, the School Board shall buy and furnish all books used by all the pupils in all grades whatsoever. The books shall be the property of the City of Houston, and they shall be loaned to the pupils within the scholastic age attending the public schools, free of charge, for use, and no pupil attending school in Houston, Texas, under the provisions of this amendment, shall be deprived of any books necessary for his studies in the aforesaid grades. The control and distribution of the books shall be governed by such rules as the School Board sees fit to make, or by such ordinances as may be passed by the City Council. All laws or parts of laws in conflict herewith shall stand repealed. (Added by amendment, 1913.)

Sec. 15. Burial Grounds, Crematories and Cemeteries—The City Council shall have power to regulate burial grounds, crematories and cemeteries, and to prohibit burial within the city limits if deemed advisable, or if necessary to protect the public health, and to condemn and close burial grounds and cemeteries in the thickly settled portions of the city, and, when demanded by the public interest or public health, to remove or cause to be removed bodies interred in such condemned and closed cemeteries and burial grounds, and shall cause them to be re-interred in a suitable place to be provided by the city, at its expense, and whenever advisable, the city may condemn the land proposed to be used for the re-interring of bodies in the same manner as in condemnation suits of railway companies, and use such condemned ground formerly used for cemeteries, for such purposes as may best subserve the interests of the city.

The City Council shall have power and authority to make all needful and necessary regulations in regard to butchers and persons selling meats, farm products, fish, vegetables and fruit, and all food stuffs, and to require the same to be inspected and condemned if not found wholesome, and to provide penalties for violation thereof.

The City Council shall have the right and power by ordinance to provide that the tenant or owner of any property shall pay to the city such reasonable charges for the removal of night soil or other refuse matter from the closets of the premises thereof, and to prohibit any one except someone in the employ of the city, or by the city authorized to do so, from removing or carrying away the contents of any privy, vault or water closet, or any receptacle of human excrement, and the city shall have the right to have inspected the premises of all persons at any time in the interest of the public health, and for the purpose of making said inspection, the officers or agents of the city, duly authorized to do so, shall have a right to enter upon the premises of any person at any hour during the day time to make said inspection. Whenever notice is given by any officer or employee of the city inspecting any premises that said premises need cleaning, the said night soil or other refuse matter shall be removed, and the owner or tenant of said premises shall

pay the city the price prescribed therefor, and failure to do so shall subject said persons to the penalties to be prescribed by ordinance, and said persons shall be fined, upon conviction in the Corporation Court, in any sum not less than one dollar nor more than two hundred dollars.

To prevent any person from bringing, depositing or having within the limits of said city any dead carcasses or any offensive or unwholesome substances or matters, and to require the removal or destruction by any person who shall have placed upon or near his premises or elsewhere any substance or matter, filth or unsound beef, pork or fish, or hides and skins of any kind, and on his default, to authorize the removal or destruction thereof by some officer or employe of the city, and to require the owner of any dead animal to remove same to such place as may be designated.

The City Council shall also have the power to pass ordinances authorizing the destroying of clothing, bedding, furniture and buildings infected with the germs of any infectious or dangerous disease, when in the discretion of the City Council the public health requires the destruction of the same, and may also in the same manner authorize the destruction or removal of buildings or other objects, after the same shall have been declared a nuisance and to be dangerous to the health or lives of the citizens of said city.

That said corporation of the City of Houston is hereby given full power and authority to take such steps to improve and preserve the purity of the water in Buffalo Bayou, above the City of Houston, as it may think necessary; provided, that the power in this section shall not be construed to give said corporation any jurisdiction or control over said Bayou beyond the corporate limits of said city, except for the purpose of protecting or improving the water shed, i. e., the water supply of both Buffalo Bayou and the smaller streams or tributaries; provided, further, that the said corporation shall have the right to condemn land, buildings and outhouses or closets when they may deem same necessary for the protection and preservation of the purity of the water in said Bayou, and shall have such police powers as to control the same.

The City Council shall also have power to require any persons or corporations owning or operating manufacturing enterprises within or without the city, which discharge refuse matter into Buffalo or White Oak Bayous, or the tributaries of either, to make other provision for such refuse matter, or so purify the same as that the public health will be fully protected.

Sec. 15a. Legal Day's Work—(a) Eight hours shall constitute a day's work of all laborers, workmen or mechanics now employed or who may hereafter be employed by or on behalf of the City of Houston in any one calendar day where such employment, contract or work is for the purpose of constructing, repairing or improving buildings, bridges, roads, highways, streams, levees, sewer building, pipe laying, water construction or other work of a similar character requiring the services of laborers, workmen or mechanics. Except in case of emergencies, in which event the emergency provisions of Section b hereof shall apply.

(b) All contracts hereafter made by or on behalf of the City of Houston with any corporation, person or association of persons for the performance of any work shall be deemed and considered as made on the basis of eight hours constituting a day's work, and it shall be unlawful for any corporation, person or association of persons having a contract

with the City of Houston to require or permit any such laborers, workmen or mechanics to work more than eight hours per calendar day in doing such work, except in case of emergency or in cases where it may become necessary to work more than eight hours per calendar day for the protection of property, human life or other grave necessity. In such emergencies the laborers, workmen or mechanics so employed and working to exceed eight hours per calendar day shall be paid on the basis of eight hours constituting a day's work; provided, that nothing in this amendment shall affect contracts in existence at the time of the taking effect of this amendment.

(c) The City Council shall enact all such ordinances as may be necessary to carry out and make effective the provisions of this amendment. (Added by amendment, 1913.)

Sec. 16. Peace and Good Order.—The City of Houston shall have power by ordinance duly passed to establish and maintain the City Police Department, prescribe the duties of policemen and regulate their conduct.

To permit, forbid or regulate theatres, balls, dance houses and other public amusements, and to suppress the same whenever the preservation of order, tranquillity, public safety or good morals may demand.

To regulate dram shops, drinking saloons and other places where intoxicating liquors are sold, and to close variety theatres when necessary, expedient or advisable.

To prohibit and punish keepers and inmates of bawdy houses and variety shows; to prevent and suppress assignation houses and houses of ill-fame, and to regulate, colonize and segregate the same, and to determine such inmates and keepers to be vagrants, and provide for the punishment of such persons.

To inspect weights and measures, fix standards of weights and measures, and to fix penalties for not using or conforming to the same, and to provide that inspection fees may be fixed by ordinance.

To make all needful and proper regulations concerning keepers of taverns and grog shops and other public houses, draymen, horse drivers, water carriers, omnibus drivers, hack drivers and drivers of baggage wagons, and other vehicles, and especially to preserve order and prevent noise and confusion in and about the several depots on the arrival and departure of railway trains, and to provide how and where hacks or other carriers shall stand or take their position upon the streets adjacent or near to said depots.

To prevent extortion by carriers of passengers or baggage, hacks, drays and public conveyances, by establishing maximum rates of charges and providing penalties for violation thereof.

To provide and fix by ordinance public stands where hacks and drays, baggage wagons or other public carriers shall stand on the streets of said city for the purpose of soliciting business, and to prescribe that they shall not stand, except when receiving or discharging passengers or freight, at any points other than those designated in the ordinance as public stands.

To suppress gambling houses, and to punish keepers of gambling houses and pool sellers, and all persons who play cards or games of chance of any kind, and to punish persons who sell lottery tickets or who advertise lottery drawings or schemes and results of drawings or lotteries.

To provide for the regulation of bakers and to prescribe the weight, quality and price for bread manufactured or sold in the City of Houston, according to the price of the material or otherwise, and to provide for the inspection of milch cattle, whether kept within the city or without the city limits, from which milk is sold within the city, and to provide for the inspection of the milk offered for sale, and to prescribe the fees to be charged therefor.

To establish and regulate public pounds and to regulate and restrain and prohibit the running at large of horses, mules, cattle, sheep, swine, goats, geese and pigeons, and to authorize the distraining, impounding and sale of the same for the cost of the proceedings and the penalty incurred, and to order their destruction when they cannot be sold, and to impose penalties upon the owners thereof for the violation of any ordinances regulating or prohibiting the same.

To tax, regulate, restrain and prohibit the running at large of dogs, and authorize their destruction when at large contrary to ordinance, and to impose penalties on the owners or keepers thereof.

To prohibit and restrain or regulate the rolling of hoops; the flying of kites and firing of firecrackers; the use of velocipedes and bicycles, and the use of any pyrotechnic or any other amusement or practices tending to annoy persons passing in the streets or sidewalks or to frighten horses and teams.

To restrain and prohibit the ringing of bells or blowing of horns, bugles and whistles, crying of goods, and all other noises, practices and performances tending to the collection of persons in the streets or sidewalks by auctioneers and others for the purpose of business, amusement or otherwise.

To prohibit mendicants, beggars or persons of infirm or maimed bodies, or suffering with diseases of any kind from soliciting alms, help or assistance upon the streets or sidewalks of said city, and to prescribe a penalty by fine for a non-observance thereof.

To prohibit and regulate the ringing of bells and blowing of whistles of railroad engines or locomotives within the city limits, and to regulate the speed thereof.

To regulate and control the driving of cattle, horses and all other animals into or through the city.

To prevent all trespasses and breaches of the peace and good order, assault and batteries, fighting, quarreling, using abusive, profane and insulting language, misdemeanors and all disorderly conduct and punish all persons thus offending.

To prevent and punish the keepers of houses in which loud or immoral theatrical representations are given, and to adopt summary measures for the removal or suppression of all such establishments.

The City Council shall have power to require, on due notice, all steam or street railway companies owning tracks within the city limits, upon the public streets or highways of said city, which may have been or may hereafter be abandoned by said companies by non-use, to remove such tracks and to restore at their own expense the street or way upon which such abandoned track is located to the proper grade.

To prohibit, prevent and suppress horse racing, immoderate riding and driving in the streets of said city.

To regulate the use of automobiles and the speed thereof.

To prohibit and punish the abusers of animals.

To compel persons to fasten their horses or other animals attached to vehicles or otherwise hitched or standing in the streets.

To restrain and punish vagrants, mendicants, beggars and prostitutes.

To regulate and control the sale, gift, barter or exchange of cocaine, opium, morphine and the salts thereof.

Sec. 17. Franchises—The right of control, easement, user and the ownership of and title to the streets, highways, public thoroughfares and property of the City of Houston, its avenues, parks, bridges, and all other public places and property are hereby declared to be inalienable, except by ordinance duly passed by a majority of all the members of the City Council and approved by the Mayor; and no grant of any franchise, or lease, or right to use the same, either on, along, through, across, under or over the same by any private corporation, association or individual, shall be granted by the City Council, unless submitted to the vote of the legally qualified voters of said city, for a longer period than thirty years; provided, however, that whenever application is made for any grant of franchise, lease, right or privilege in or to the streets and public thoroughfares of the City of Houston by any person or corporation, if they so request, the Council shall submit the same at an election called for said purpose, the expense of which shall be borne by the applicant for said franchise, and at said election, if the majority of the votes cast by the legally qualified voters shall be in favor of making said grant as applied for, said grant may be made for such a term of years as is specified in the ordinance submitting the same at said election; provided, however, that no grant shall be made or authorized for a longer period than fifty years.

The City Council may also, upon its own motion, submit all applications or ordinances requesting the granting of franchises or special privileges in or to the streets, public thoroughfares and highways of the City of Houston, to an election, at which the people shall vote upon the propositions therein submitted; the expense of which election shall be paid by the applicant, or applicants, therefor. No such franchise shall ever be granted until it has been read in full at three regular meetings of the Council, nor shall any such franchise, grant, right or easement ever be made to any private individual, corporation or association, unless it provides for adequate compensation or consideration therefor, to be paid to the City of Houston, and in addition to any other form of compensation, grantee shall pay annually such a fixed charge as may be prescribed in the franchise. Such grant under and any contract in pursuance thereof shall provide that upon the termination of the grant, the grant, as well as the property, if any, of the grantee, in the streets, avenues and other public places, shall thereupon, without other or further compensation to the grantee, or upon the payment of a fair valuation therefor (the mode of ascertaining which shall be determined in the grant), be and become the property of the City of Houston, and the grantee shall never be entitled to any payment or valuation because of any value derived from the franchise or the fact that it is or may be a going concern, duly installed and operated.

Every such grant shall make adequate provision by way of forfeiture of the grant, or otherwise, to secure efficiency of public service at reasonable rates, and to maintain the property in good order throughout the life of the grant.

The City Council may also inspect and examine, or cause to be inspected and examined at all reasonable hours, any books of account of such grantee, which books of account shall be kept and such reports made in accordance with the forms and methods prescribed by the City Council, which, as far as practicable, shall be uniform for all such grantees.

Sec. 18. Referendum—Whenever application is made to the City Council of the City of Houston for any such grant or franchise, lease or right to use the streets, public highways, thoroughfares or public property of the City of Houston, as is provided for in the preceding section of this act, or whenever an ordinance is introduced in the City Council proposing to make the grant of any franchise, lease or right to use the public highways, streets, thoroughfares and public property of the City of Houston, publication of said ordinance of such proposed grant or right to use the streets, public thoroughfares and highways of said city shall be made by publishing the ordinance as finally proposed to be passed, which shall not thereafter be changed, unless again republished, setting forth in detail all the rights, powers and privileges granted or proposed to be granted, in some daily newspaper published in the City of Houston, once a week for three consecutive weeks, which publication shall be made at the expense of the applicant or the person or persons desiring said grant, and no such grant shall be made, or ordinance passed, until after publication in the manner aforesaid, nor shall any such ordinance confirming or making any such grant, lease or right to use the streets, public highways and thoroughfares of the City of Houston take effect or become a law or contract, or vest any right in the applicants therefor, until after the expiration of thirty days after said ordinance has been duly passed by the City Council and been approved by the Mayor.

Pending the passage of any such ordinance or during the time intervening between its final passage and approval by the Mayor, and the expiration of the thirty days before which time it shall not take effect, it is hereby made the duty of the City Council to order an election, if requested so to do by written petition signed by at least five hundred legally qualified voters of said city, at which election the legally qualified voters of said city shall vote for or against the proposed grant as set forth in detail by the ordinance conferring the rights and privileges upon the applicants therefor, which said ordinance shall be published at length and in full in the call for said election made by the Mayor, and if at said election the majority of the votes cast shall be for said ordinance and the making of said proposed grant, the same shall thereupon become effective; but if a majority of the votes cast at said election so held shall be against the passage of said ordinance and the making of said grant, said ordinance shall not pass, nor shall it confer any rights, powers or privileges of any kind whatever upon the applicants therefor, and it shall be the duty of the City Council, after canvassing the vote of said election, to pass an ordinance repealing the ordinance which has been by it passed, if the same has been passed.

No grant of franchise, or lease or right of user, in, upon, along, through, under or over the public streets, highways or public thoroughfares of the City of Houston shall be made or given, nor shall any rights of any kind whatever be conferred upon any person, private corporation, individual or association of any kind whatever, except the same be made by

ordinance duly passed by the City Council, nor shall any extension or enlargement of any rights or powers previously granted to any corporation, person or association of persons, in, upon, along, through, under or over the streets of the City of Houston be made, except in the manner and subject to all of the conditions herein provided for in this act for the making of original grants and franchises; provided, however, that the provisions of this section shall not apply to the granting of side-track or switch privileges to railway companies for the purpose of reaching, and affording railway connection and switch privileges to the owners or users of any industrial plants; it being the intention to permit the City Council to grant such rights or privileges to railway companies whenever in their judgment the same is expedient, necessary or advisable.

Sec. 19. Contracts for Services—No contract shall ever be made which binds the city to pay for personal services to be rendered for any stated period of time; but all contracts involving a personal service shall be restricted to the doing of some particular act or thing, and upon its completion no further liability shall exist on the part of the city.

Nor shall the City of Houston or any one acting for it make any contract for supplies for the current use of any department of the municipality for a longer period than ninety days, and so far as practicable, all supplies purchased for the use of any or all of the departments of said city shall be made or let upon competing prices therefor.

No contract shall be entered into until after an appropriation has been made therefor, nor in excess of the amount appropriated, and all contracts, whenever practicable, shall be made upon specifications, and no contract shall be binding upon the city unless it has been signed by the Mayor and countersigned by the Controller, and the expense thereof charged to the proper appropriation, and whenever the contract charged to any appropriation equals the amount of said appropriation, no further contracts shall be countersigned by the Controller.

All contracts, of whatever character, pertaining to public improvement, or the maintenance of public property of said city, involving an outlay of as much as one thousand dollars (\$1,000.00) shall be based upon specifications to be prepared and submitted to and approved by the Mayor and City Council, and after approval by the Mayor and City Council, advertisement for the proposed work, or matters embraced in said proposed contract, shall be made, inviting competitive bids for the work proposed to be done; which said advertisement shall be put in a daily newspaper not less than ten times. All bids submitted shall be sealed, shall be opened by the Mayor in the presence of a majority of the aldermen, and shall remain on file in the Mayor's office and be opened to public inspection for at least forty-eight hours before any award of said work is made to any competitive bidder. The Council shall determine the most advantageous bid for the city, and shall enter into contract with the party submitting the lowest secure bid, but shall always, in every advertisement of public work or contract involving as much as one thousand dollars (\$1,000.00), reserve the right to reject any and all bids. Pending the advertisement of the work or contract proposed, specifications therefor shall be on file in the office of the Mayor, subject to the inspection of all parties desiring to bid.

Sec. 19a. Certificate of Controller Prerequisite to Ordinance, Etc., Appropriating Money—No contract, agreement or other obligation involving

the expenditure of money in excess of one thousand dollars shall be ordered, authorized, entered into or executed by any officer of the city unless same be by authority of ordinance, nor shall any ordinance, resolution or order for the appropriation of money, or for the making of any contract, agreement or other obligation requiring the expenditure of money, be passed by the Council unless the Controller first certify to the Council that the money required for such contract, agreement, obligation or expenditure is in the treasury and not appropriated for any other purpose, or that the funds will be received into the treasury and be available before the maturity of said obligation, and that the said funds anticipated have not been already appropriated for any other purpose, which certificate shall be filed and immediately recorded.

If moneys be not actually in the treasury to the credit of the fund from which it is to be drawn, but will be received into the treasury before the maturity of the obligation, the Controller shall not certify that the funds will be available unless the moneys are to be derived from lawfully authorized bonds sold and in process of delivery or that the funds are anticipated to be derived from current or general revenues, such as from taxes or assessments, or from sales of services, products or by-products, or from any undertakings, fee charges, accounts and bills receivable, or from other items in process of collection, and will be available before maturity of the obligation; and he shall show from what source the funds will be derived, and if the amount anticipated is to come from the general revenues of the city, he shall certify further that the amount, including the aggregate of amounts previously specified or anticipated, either by budget or appropriation, will not exceed the revenues levied or assessed for the fiscal year.

Any sum certified by the Controller shall not thereafter be considered as unappropriated or subject to reappropriation until the city is discharged from the contract, agreement or obligation. (Added by amendment, 1913.)

ARTICLE III.

Section 1. Taxation—The City Council shall have power, and it is hereby authorized to levy annually for general purposes and for the purpose of paying the interest and providing the sinking fund on the outstanding bonded indebtedness of the City of Houston, and for paying the interest and making provision for the sinking fund on such future bond issues as may be authorized an ad valorem tax on all real, personal and mixed property within the territorial limits of said city, and upon all franchises granted by the city to any individuals or corporations, of not exceeding a total tax of two dollars on the one hundred dollars appraised valuation of said property, except that an additional tax of not exceeding twenty-five cents on the one hundred dollars valuation may be levied on property in improvement districts for sidewalk improvements, if authorized as hereinafter provided in Section 16, Article IX; provided, however, that public property used for public purposes; actual places of religious worship; places of burial not held for private or corporate profit; all buildings used exclusively and owned by persons or associations of persons for school purposes (and the necessary furniture of all schools) and institutions of purely public charity, are hereby declared to be exempt from taxation; and provided further, that two hundred and fifty dollars (\$250.00) worth of household and kitchen

furniture belonging to each family in said city shall likewise be exempt from taxation.

The City Council may also continue annually to levy and provide separately or jointly in the tax levying ordinance, for the assessment and collection of so much of the special tax provided by ordinance passed by the City Council of said city on the second day of June, A. D. 1888, as may be necessary to pay the interest on and create a sinking fund of not less than two per cent. of the indebtedness mentioned in said ordinance, but the gross total of all the taxes levied for all purposes by said City Council for any one year shall not exceed two per cent of the appraised valuation of all property, real, personal and mixed, in said city; provided, however, that the Council may levy a special tax in any improvement district, if any, and shall if authorized, of not exceeding twenty-five cents on the one hundred dollars valuation for sidewalk improvements.

And if for any cause the City Council shall fail or neglect to pass a tax ordinance for any one year, levying taxes for that year, then, in that event, the tax levying ordinance last passed shall and will be considered in force and effect as the tax levying ordinance for the year for which the City Council failed to pass a tax levying ordinance, and the failure so to pass such ordinance for any one year shall in no wise invalidate the collection of the tax for that year.

The City Council may also determine and provide when taxes shall be due and payable by corporations or individual corporators, and all persons owning property, and prescribe penalties for the non-payment of taxes upon the expiration of the time fixed by the City Council declaring when the same shall be paid.

The City of Houston shall not for the year 1914, nor for any year thereafter, levy, assess or collect a poll tax from any citizen of the City of Houston, and all provisions of the City Charter in conflict herewith are hereby expressly repealed. (Added by amendment, 1913.)

The City Council may also levy, assess and collect from each male citizen of the city, over the age of twenty-one and under the age of sixty years, an annual poll tax of one dollar (\$1.00); provided, however, that all persons exempt from the payment of the State poll tax under the general laws of the State, or by virtue of the Constitution, shall be exempt from the payment of the city poll tax. (Amended; see next preceding section.)

Sec. 2. All real, personal and mixed property held, owned or situated in the City of Houston shall be liable for all taxes due by the owners thereof, including taxes on real estate, franchises, personal and mixed property and poll taxes.

All personal property may be levied upon, seized and sold by the Assessor and Collector of Taxes, or such other officer as may be designated by the City Council, for any taxes that may be due by the owner thereof, without further warrant of authority than the production of his tax roll, which sale when made shall convey a prima facie title to the purchaser thereof; or the amount of the tax due by any person upon any species of property may be sued for in any court having jurisdiction, and a personal judgment may be recovered against any delinquent taxpayer or against any person to whom personal property on which the city tax is due has been sold, or who owns, holds or claims possession of said personal property.

Sec. 3. The tax levied by the city is hereby declared to be a lien, charge and encumbrance on the property for which the tax is due,

which lien, charge and encumbrance the city is entitled to enforce and foreclose in any court having jurisdiction over the same, and the lien, charge and encumbrance on the property in favor of the city for the amount of the taxes due on such property is such as to give the State courts jurisdiction to enforce and foreclose said lien on the property on which the tax is due, not only as against any resident of this State, or person whose residence is unknown, but also against the unknown heirs of any person who owns the property on which the tax is due, and against non-residents.

All taxes upon real estate shall especially be a lien and a charge upon the property upon which the taxes are due, which lien may be foreclosed and the tax collected by suit in any court having jurisdiction.

Sec. 4. It shall be the duty of every person owning or holding property in the City of Houston to render under oath to the Assessor and Collector of Taxes, or such other officer as may be provided for by ordinance, at his office in said city annually, within the time prescribed by the ordinances of said city, a full and complete inventory of all property so owned or held by him, whether real, personal or mixed, and to take and subscribe to an oath to the correctness of such inventory, which oath may be administered by the Assessor and Collector, or such other officer as aforesaid, acting in person or by deputy. All property, real, personal or mixed, except such as is herein expressly exempted, is subject to taxation, and the same shall be rendered and listed in the manner prescribed by the general laws of the State in regard to general taxation when applicable, unless provision is otherwise specially made therefor herein.

The definition of property and terms as defined by the general laws of the State under the head of taxation shall apply to the taxation of this city, and all property subject to taxation as prescribed by the general laws of this State, except as herein specially exempted, shall be subject to taxation by the City of Houston.

Sec. 5. The City Council shall have full power to, and may by ordinance, provide for the prompt collection of all taxes levied, assessed and due, or becoming due to said city, and to prescribe where property shall be assessed or rendered for taxes, and when the taxes thereon shall become due and payable, and to that end may and shall make such provisions as are necessary covering the levying, laying, imposing, assessing and collecting of any of said taxes, and to regulate the method and manner of making out tax lists and inventories, and the appraisal of property thereon, and to prescribe an oath that shall be administered to each person on such rendition of the property, and to fix the duties and define the power of the Assessor and Collector of Taxes, or such other officer or person as may be designated therefor by the City Council.

All taxes shall be payable at the office of the Assessor and Collector, or such other officer as the City Council may prescribe, and no demand for payment thereof shall be requisite or necessary to enforce the collection thereof by any of the proceedings herein prescribed, nor for the collection of any taxes due before the passage of this act.

All property which the owner thereof may fail or refuse to inventory, render and assess, or which the owner thereof may have failed or refused to inventory, assess and render for years prior to the passage

of this act, shall be by the Assessor and Collector of Taxes, or such other officer designated by the City Council, inventoried, assessed and rendered for taxes for the year or years for which the same was not so rendered, inventoried or assessed by the owner thereof, and the Assessor and Collector, or such other officer designated by the City Council, shall have the right, and it shall be his duty at any time to revise, correct and reassess, and properly describe any property incorrectly rendered or assessed, or imperfectly described, for any year, without the necessity of giving notice to the owner thereof; provided, however, that the valuation as fixed by the Board of Appraisers shall not be changed, and such inventory and assessment when revised or corrected so made shall be as valid and effective as if on the assessment sheets or tax rolls, and as if regularly and duly rendered and assessed by the owner thereof for the year for which rendered, assessed and inventoried as above provided by the Assessor and Collector of Taxes, or such other officer as may be designated by the City Council, and said tax rolls and assessment sheets shall be prima facie evidence that said property was regularly and duly rendered, inventoried and assessed and properly described in all respects as if done duly and regularly by the owner in the first instance; provided, however, that if such assessment sheets or tax rolls are vague or indefinite, the City of Houston may show by evidence other than the assessment rolls and tax rolls where the property is located, and on what property the tax is due; who owns the property, and that the taxes on the same are due and unpaid, and shall enforce and foreclose the tax lien on such property, as herein provided.

Sec. 6. That all ad valorem taxes due or becoming due upon real, personal and mixed property, and upon franchises granted by the City of Houston to individuals or corporations, and all license taxes and occupation taxes, and all fines, forfeitures, penalties and other dues or taxes accruing to the City of Houston shall be collectible and payable only in current money or current funds of the United States.

Sec. 7. That the City Council shall have the power to assess, license and tax hawkers, peddlers, auctioneers, theatrical and other exhibitions, shows and amusements, circuses, billiard tables, nine and ten pin alleys, alleys with any number of pins, public drays, wagons, omnibuses, carriages and automobiles, grog shops and dram shops, beer saloons, whether for the sale of domestic intoxicants or otherwise, and such other trades or occupations not specifically mentioned herein, as are; or may be, taxed or licensed by the laws of this State, but no assessment or license tax levied under this section shall exceed one-half of the amount levied by the State for the same period on such trade, profession or occupation, and the same may be regulated, levied and collected in the same manner as said taxes are regulated and collected by the State of Texas.

That all license taxes or occupation taxes shall be paid to the Assessor and Collector of Taxes, or other officer designated therefor by the City Council by each and every person or firm engaging in any trade, profession, business, calling, avocation or occupation, before engaging therein, and shall take his receipt therefor, which receipt shall be esteemed lawful license for the pursuit of the occupation indicated, and if any person shall engage in any business, calling, avocation or occupation, trade or profession, which by ordinance of said

city is subject to a license or occupation tax, without first having obtained said license or occupation tax, he, she or they shall be liable to arrest, imprisonment and a fine to be fixed by ordinance for each and every day such violation of said ordinance may continue, and each day shall constitute a separate offense, and this section shall apply to all persons owing license and failing to pay the same, and the City Council may make such further regulations as it deems necessary to enforce this provision and punish persons violating the same.

Sec. 8. All taxes due by property owners on any and all property for the year 1875, up to and including the year 1904, and for all years intervening, and for all years thereafter, until otherwise provided by charter, as appears upon the tax rolls of said city, may be collected by suit from delinquents and foreclosure of the lien thereon may be had in any court having jurisdiction of the same, and any person who shall purchase or shall have purchased property encumbered with a lien for taxes, or upon which taxes are due, shall be deemed as to such taxes a delinquent taxpayer, and such purchaser takes the property charged with the lien, and he can not interpose any defense which his vendor might not have interposed had he continued to be the owner, except that no personal judgment shall be rendered for same against said purchaser; provided, however, that any delinquent taxpayer shall have the right to plead in any court and to rely as a defense upon the statute of limitation of four years in any suit brought for taxes alleged to be due the City of Houston, and in no case wherein such limitation is plead and the taxes sued for, or any part thereof, are shown to have been due and payable for four years or more before said suit was instituted, shall judgment be rendered for such taxes so shown to have been due for more than four years; provided further, however, that the defense of limitation shall not apply to any suit which may within one year after the passage of this act be instituted by the City of Houston for the collection of any taxes due for any year from 1875 up to and including the year 1901, nor shall it apply in any case wherein the sale of any property delinquent for taxes has been made under the provisions of this act, nor if such sales shall be made within one year after this act takes effect.

It shall be the duty of the City of Houston, within one year after this act goes into effect, to cause suit to be filed for the collection of all back taxes which have accrued to said city and are due and unpaid for the year 1875, and for each and every year, or any and all years intervening, up to and inclusive of the year 1901, and after the expiration of one year from the time this Charter goes into effect no suit shall be instituted, nor shall any sale of property be made by the City of Houston or its officers for any taxes which have become due and payable for more than four years prior to the filing of said suit, or the sale of said property by the proper officer of said city as provided for in this article. And it shall be the duty of the City Council to pass an ordinance imposing a fine of two hundred dollars upon such person as is or may be employed by said Council to collect said taxes, who fails to use due diligence in the collection of all such taxes, and such persons so failing to do so, shall at once be discharged from the service of the city, and each and every failure shall be a separate offense and subject the person to such fine for each failure or separate offense.

The City of Houston is hereby expressly authorized to, and has the right to maintain a suit to recover a personal judgment for the

amount of any tax due it, accruing from any species of property taxed by it, as well as for license and occupation taxes, and the tax may be collected by sale of the particular property on which it is assessed, by enforcing the lien or by the sale of all or other property under a judgment of court, or by seizure and sale of personal property; provided, that when any action is instituted against any person to recover taxes due the city, all the taxes due by such person or persons upon any piece, lot or parcel of property, real or personal, shall be embraced in one suit, whenever the same is legal and practical, and when the same can be done and is not done subsequent to the passage of this act, all taxes for years antecedent to those for which the taxes are alleged to be due shall be conclusively presumed to have been paid. And where two or more actions are brought subsequent to the passage of this act, and all the taxes due might legally be or have been embraced in one action, the court shall, on motion of the defendant, or of its own motion, consolidate said actions, and when same is done the costs shall be paid as in only one action.

In suits for taxes, the proper persons shall be made parties defendant in such suits, shall be served with process and other proceedings had therein, as provided by law for suits of like character in the District Courts of this State; and in case of foreclosure, an order of sale shall issue and the land be sold thereunder, as in other cases of foreclosure, which order of sale shall have all the force and effect of a writ of possession between the parties to the suit and any person claiming under the defendant by any right acquired after the filing of the suit; and the Sheriff or other officer executing such order of sale shall proceed by virtue of the same to place the purchaser of the property sold under such order of sale in possession thereof within twenty days, as provided by the general laws of Texas, after date of sale, but not before, and such order of sale may direct that the Sheriff or other officer executing such order of sale shall sell the property, either each piece separately, as under execution, or in gross, as the city, through its attorney, may direct; or if the defendant or his attorney shall, at any time before the sale, file with the Sheriff or any other officer in whose hands any such order of sale shall be placed, a written request that the property described therein shall be divided and sold in less tract than the whole, together with the description of said subdivisions, then such officer shall sell the land in said subdivisions, as the defendant may request, and in such case shall only sell as many subdivisions as will satisfy the judgment, the court costs, and all other costs hereinafter specified.

In all cases in which lands have been sold for default in the payment of the taxes, it shall be lawful for the Sheriff or other officer selling the same, or any of his successors in office, to make a deed or deeds to the purchaser, or to any person to whom the purchaser may direct the deed to be made, and such deed shall be held in all courts of law or equity in the State to vest a good and perfect title in the purchaser thereof.

The City Attorney or other officer designated therefor by the City Council shall represent the city in all suits against delinquent taxpayers, and in any and all suits by the City of Houston for the collection of the taxes due it there shall be charged in the cost bill in said case when judgment is rendered for the city, five per cent. upon the amount of the judgment so rendered in said cause, which amount shall

be taxed as cost against the property upon which the tax is due and unpaid to the city, and in no case after suit has been filed shall a receipt for taxes be given on the property in suit until after the payment of five per cent. attorney's fees as above provided, the cost of the City Assessor and Collector, or such other officer as herein stated, and all court costs.

When judgment has been taken for taxes due on the property in suit, the five per cent. attorney's fees and other costs above named shall be taxed as costs against the property to be sold under judgment for taxes, and paid out of the proceeds of the sale of the same, together with the taxes and interest due thereon to the city, and the five per cent. taxed as attorney's fees shall be paid to the city.

Sec. 9. For the taxes due on any property for any and all years, for and including the year 1875, up to and including the year 1904, and for all years intervening, and for all years after the year 1904, until otherwise provided by charter, either the tax rolls or a statement of the taxes due on any property made from said rolls certified to and signed by the City Assessor and Collector of Taxes of the City of Houston, or such other officer or employee as the City Council may designate, shall be prima facie evidence that the tax on the property is due; that the facts stated therein are true, and that all the prerequisites required by law pertaining to the levying and assessing of taxes and the rendition of the property therefor on which the suit is brought for the taxes due have been complied with.

In addition to the tax rolls and the certified statement from the said tax rolls being prima facie evidence, as above stipulated, the deed or deeds executed by the Assessor and Collector of Taxes and made by him during the years 1890, 1891, 1892, 1893 and 1894, showing the sales made by him for said years of the property upon which the taxes are due, in accordance with the provisions of the Charter of the City of Houston in force during the last named years, shall also be prima facie evidence that the tax on the property is due and unpaid; that the facts stated in said deed are true, and that all of the prerequisites and requirements of the law were and have been complied with.

Sec. 10. All taxes for any current year, except occupation tax and license tax, are hereby declared to become due and payable on the first day of each and every current year, and if not paid by the thirty-first day of December following, a penalty of ten per cent. upon amount of the tax due shall be added and paid, and interest shall be charged upon the gross amount of the tax and penalty due until paid, at the rate of six per cent. per annum, and in no case shall the City Council or any member of the City Council, or any other officer of the city extend the time for the payment of the taxes, nor shall any officer of the city remit, discount, or compromise any tax legally due the city, nor shall any person be elected Mayor or Alderman of the City of Houston or hold any position, office or employment thereunder who is in arrears, or due and owing to the City of Houston any sum of money for taxes or otherwise.

Sec. 11. The provision for suit to foreclose the tax lien herein created is but auxiliary to and cumulative of the city's right to sell property delinquent for taxes without suit, as is hereafter provided. After said tax statements have been made out by the Assessor and

Collector, or other officer designated therefor by the City Council, and after publication thereof as is herein specified in this article, it shall be the duty of the Assessor and Collector of Taxes of the City of Houston, or such other officer as may be provided for by ordinance, to give notice by publication made in a newspaper published in the City of Houston and having a general circulation therein, which publication shall be made at least once a week for three consecutive weeks immediately preceding the sale, that he will sell at public outcry in the City of Houston at such place as is designated in said notice each and every piece of property delinquent to the City of Houston for taxes at the time of said sale. Said property shall be sold by separate sales or tracts to the highest bidder at said sale, but the right is hereby reserved to the City Council to confirm or refuse to confirm said sales which shall be reported to it within three days thereafter, and if said sales so made are not confirmed by the City Council, the money so paid to the Assessor and Collector shall be by him refunded to the purchaser at said sale. Said sales may continue from day to day until all of the property so delinquent for taxes shall have been sold. The said Tax Assessor and Collector, or such other officer as may be designated by the City Council, shall, after said sale is made, make a deed to the purchaser thereof, if sale is confirmed by the City Council, and in such deed he shall recite the fact of the delinquency of the tax, the amount of the tax due, the year or years for which due, the property against which the tax is assessed, the fact of the publication of the delinquent tax roll as is herein set out, the fact of the publication of the notice of sale, the amount bid, and the name of the purchaser. Such deed shall constitute a prima facie title to the property therein described, and said deed shall be prima facie evidence of the truth of all things therein recited, and the holder of said deed shall be considered the holder of a prima facie legal title to said land against all persons whomsoever, and such deeds, when so executed for property sold as specified at said sales, shall pass to the purchaser all of the interest and title of the owner thereof, subject to redemption at any time within two years from the date of said sale, upon payment by the owner of the property so sold to the purchaser thereof, of double the amount of taxes, penalties and costs due on said property; provided, that should such sale be for any reason held invalid, the purchaser thereof shall nevertheless have a good and valid lien upon the property so sold for the amount of the taxes due thereon, and such purchaser shall be subrogated to all of the rights of the City of Houston, and shall have the right to foreclose such lien in any court of competent jurisdiction within four years from the date of such sale.

The City of Houston may bid at such sales, and may become the purchaser of any property sold thereat to the extent of the amount of the taxes, interest, penalties and costs due on any particular piece of property, and the city shall further have the right, if said deed shall for any reason be held invalid, to maintain a suit to foreclose its tax lien on said property for the amount of taxes due thereon, at any time.

A failure on the part of the City Assessor and Collector of Taxes, or such other officer or employee as may be designated by the City Council to prepare the delinquent tax roll, or to publish it for the required length of time, or to furnish tax statements to the City Attorney, or a failure on the part of the city to file suits within the

proper time for the collection of taxes due, shall in no wise affect the liability of the delinquent taxpayer, nor shall it release the property upon which the tax is due from the operation of the lien, charge or incumbrance herein created, nor shall such failure of any officer or employee of the city in any manner or matter be relied on by way of defense, or be a defense against the payment or the enforcement of the payment by suit or otherwise of the taxes due the city.

In cases where the State has instituted suit for taxes and where taxes are due the city on the same property for the same or other years, the city may have the right to intervene in said suit and have judgment for its taxes, to foreclose its lien for said taxes, and in cases where the city has first instituted suit for taxes, the State may have the same right to intervene with foreclosure of its lien.

Sec. 12. Immediately after the first day of January in every year, it shall be the duty of the Assessor and Collector of Taxes, or such other officer or employee as may be designated by the City Council, to prepare a roll containing a description of all property described in the assessment rolls of the year just preceded, that is to say, the year ending on the thirty-first day of December preceding on which the taxes have not been paid. Said roll shall be called the DELINQUENT ROLL, and shall consist of so much of the said roll as will identify the property and show the amount of the tax due on the same. During the time that the City Assessor and Collector, or such other officer or employee of the city as may be designated by the City Council, shall be preparing and shall prepare the delinquent roll above described, he shall prepare separate statements of tax accounts due the city, to be furnished the City Attorney or other officer designated by the City Council, which statements shall contain a description of the property, the year for which the tax is due, the amount of the tax due, the rate of taxation, and the person or persons, estate, firm or corporation who assesses the same, and whether the property is rendered or unrendered, or owner unknown, as appears on the tax roll, which statement the City Assessor and Collector, or such other officer or employee as may be designated by the City Council, shall certify to be correct, and which shall be prima facie evidence of the statement made therein, and that all the prerequisites and requirements of the law as to levying taxes and assessing and rendering property therefor, and as to all matters have been complied with, and the city shall be entitled to one dollar on each statement so made, which shall be taxed against the delinquent taxpayer of the property and against the property on which the tax is due, and in case of suit, to be taxed as a charge against the property, and the Assessor and Collector of Taxes, or other officer designated by the City Council, shall not issue any receipts to any delinquent taxpayer until said one dollar has been paid, except upon express written authorization in each individual instance by the City Council; provided, that when separate tracts of land and different kinds of property are assessed by the same person, firm, estate or corporation, that they shall be contained in the same statement. Said delinquent roll shall be finished and said statement furnished by the Assessor and Collector, or other officer, not later than the last day of February of each year.

Said delinquent roll shall be published during the month of March following, or as soon thereafter as practicable, once a week for four consecutive weeks, in some newspaper published in the City of Houston, and the Assessor and Collector, or other officer or employee des-

ignated by the City Council, shall also be entitled to charge two dollars for advertising each tract of land separately assessed, which shall be taxed as a charge against the property on which the tax is due, and paid into the treasury of the City of Houston, and the Assessor and Collector, or such other officer or employee as may be designated by the City Council, shall not issue any receipt to any delinquent taxpayer until the cost of advertising has been paid, unless upon the express authorization to do so by the City Council, which authorization shall be made in writing in each individual instance, and a failure to comply with these provisions by the Assessor and Collector of Taxes, or such other officer or employee as may be designated by the City Council, shall be deemed a malfeasance in office, and such officer shall be removed.

It shall be the duty of the Assessor and Collector of Taxes, or other officer or employee as may be designated by the City Council, whenever written request is filed with him by the owner or agent of any particular piece of property for a statement of all taxes due on said piece of property to give to said person a written statement of all taxes due thereon for each and every year from and after the year 1875 up to and including the year for which the taxes are last due, and any person who pays the taxes due on said property upon the statement so rendered, if duly certified to by the Assessor and Collector as being all the taxes due thereon, shall not thereafter be required to pay, but shall be relieved from payment of any taxes due or claimed to be due on said property for any years prior to the time of filing said written request for a full statement of all the taxes due on said property.

Sec. 13. The City Council may by resolution provide for advance payment, and may allow interest upon advance payment of taxes, at a rate not to exceed six per cent. per annum for the time intervening between the time of such payment and the time of the last payment, without interest or penalties, namely, the thirty-first day of December of each year; provided, that no such resolution shall be passed, nor such interest allowed, except for the purpose of raising money to meet the current expenses of the city for legitimate purposes. Such resolution shall state the amount of money sought to be raised by this means, and when said amount has been received, the Assessor and Collector, or such other officer or employee designated by the City Council, shall immediately notify the Mayor and City Council that the amount called for in the resolution has been received, and no one shall by authorization of the City Council, nor shall the City Council, pay interest on moneys subsequently paid in for taxes for that year. In receiving moneys for taxes in advance, under the resolution herein provided for, the Assessor and Collector, or other officer or employee designated by the City Council, shall allow the taxpayer to retain out of such payment the amount of the interest allowed thereon, and shall give his receipt for the whole amount, showing what amount is actually paid in and what sum is allowed as interest on such payment.

Sec. 14. Any and all descriptions of real estate, blocks, outlots, lots, or any parts or fractions thereof, and of all personal property, and any and all dates, years, valuations, taxations, numbers, quantities or amounts contained in any assessment roll or sheet, land tax book, personal tax book, or descriptions contained in any book or roll for the purposes of assessing property, shall be sufficient and valid when made or

stated in whole or part, in abbreviations or contractions of words, letters, characters or figures; and when so made or stated shall be deemed and held to be fully and fairly made and stated as though the same had been written out in full. No error or irregularity in any assessment roll, tax book, or other document relating to the levy, assessment, equalization or collection of the taxes of the city shall in any manner affect or impair the validity of any tax, or affect the proceedings for the collection thereof; but every such assessment shall be liberally construed to effect the purposes and objects of this article in determining the validity thereof.

Sec. 15. Board of Appraisement—There shall be a Board of Appraisement in said city, which shall be composed of two Aldermen and the Assessor and Collector of Taxes, or such officer or employee designated by the City Council to perform the duties of an Assessor and Collector of Taxes.

The two aldermanic members of said board shall be appointed by the Mayor not later than the first day of May of each year, and said board shall as soon as possible after the completion of all or any one of the assessment rolls by the Assessor and Collector, or other person designated therefor by the City Council, meet and carefully examine said roll or rolls, and properly and equitably adjust and equalize the taxable values thereon thus continuing until they have adjusted and equalized the valuation on all property on said rolls, under such regulations as may be prescribed by the City Council by ordinance, and after the completion of said work said board shall make due report of its action to the City Council.

Said board, constituted as herein provided, shall continue for a period of one year, and shall be a standing committee to which all matters relative to taxes shall be referred. The members of said board shall not receive any further compensation or extra compensation by reason of their services as members of said Board of Appraisement, nor as members of said standing Committee on Taxes.

In case of dissatisfaction with the decision of said Board of Appraisement by any taxpayer, an appeal from the decision of said Board of Appraisement may be had to the City Council of the City of Houston, but such appeal must be by written petition, specifically stating the things complained of, and by the dissatisfied taxpayer be filed with the City Secretary before the expiration of thirty days after said board has finally examined and passed upon the delinquent rolls of said city and made its final report to the Mayor and City Council, as herein provided. The decision of the City Council in all cases of appeal from the decision of the Board of Appraisement shall be final and binding, and no appeal shall be allowed from the decision of the City Council.

Said Board of Appraisement shall finish and conclude its labors within not less than sixty days, and in no event shall it file its final report with the Mayor and City Council later than the fifteenth day of June of each year.

It shall be the duty of the Board of Appraisement to mail a postal card to each property owner, the valuation of whose property the board proposes to raise or increase, notifying him to appear before it and show cause why said valuation should not be increased as proposed, but the failure on the part of any property owner whose property may be increased in value by the Board of Appraisement to receive

written notice of the proposed increase shall in no wise invalidate or affect the action of said Board of Appraisement in increasing the valuation of said property, but it shall be presumed that the notice was sent as provided for herein.

ARTICLE IV.

Section 1. Authority to Issue Bonds—The City Council shall have the power and authority by ordinance duly passed, if it so elects, to borrow money on the credit of the city for permanent improvements, to an amount not to exceed one hundred thousand dollars (\$100,000.00) in any one year, and may issue bonds of the city therefor. It may also have the power, and is hereby expressly authorized, to issue bonds for the purpose of refunding bonds of the city of previous issues; provided, the bonds may be refunded at a lower rate of interest than the bonds proposed to be retired draw.

No bonds shall be issued for any purpose except for the purpose of making permanent improvements, which shall not exceed one hundred thousand dollars (\$100,000.00) in any one year, and for the purpose of refunding bonds of the city of previous issues, unless an election be duly ordered by the Mayor and City Council, and if at said election a majority of the vote polled shall be in favor of creating such debt, it shall be lawful for the City Council to make the issuance of bonds as proposed in the ordinance submitting the same at the election so held, but if a majority of the vote polled shall be against the creating of such debt it shall be unlawful for the City Council to issue the bonds.

In all elections to determine the expenditure of money or the assumption of debt, only those shall be qualified to vote who pay taxes on property in said city, and are legally qualified voters in said City of Houston; provided that no poll tax for the payment of debts thus incurred shall be levied upon the persons debarred from voting in relation thereto.

No bonds shall be issued drawing more than five per cent. interest per annum, and they shall be invalid if sold for less than par and accrued interest, and all bonds shall express upon their face the purpose for which they are issued.

The ordinance authorizing any bonds to be issued shall provide for the creation of a sinking fund sufficient to pay the bonds at maturity, and make provision for the payment of the interest thereon as it matures, and said sinking fund shall be invested in bonds of the State of Texas, or in the bonds issued by counties in the State of Texas, or in bonds of the United States, or such funds may be used for the purchase of the bonds of the City of Houston which are not yet due, and neither interest nor sinking fund shall be devoted to any other purpose whatsoever.

Any officer of the city who shall wilfully or knowingly divert or use said fund for any other purpose except that for which the fund is created, or herein expressly authorized to be invested, shall be deemed guilty of a felony, and subject to prosecution as provided under the general laws of the State for the diversion and conversion of funds belonging to any of the municipalities of said State.

Sec. 2. Bayou—Power is hereby given the City Council of the City of Houston to secure land between Houston and Harrisburg, along the banks of Buffalo Bayou, by purchase, condemnation or by gift, for the improvement of Buffalo Bayou by the United States, or by the City of Houston, and for this purpose it may by ordinance extend the corporate limits of said city from its present eastern limits eastwardly in a general direction with Buffalo Bayou, from bank to bank, as same is now constructed or exists, or as same may be ordered constructed by the government engineers in charge of said work, provided that the city shall have no right to tax the property over which such boundaries are so extended, unless such property be within the line and within the limits of the general city boundaries or limits.

To effect a condemnation the same proceedings shall be taken and the same statutes shall govern, so far as applicable, as obtain and apply to the condemnation of lands by railway companies under the general statutes of the State of Texas.

Sec. 3. Fees—Within its corporate limits, the City of Houston shall be the local agent of the State government for the enforcement of the State laws, in all cases wherein the Corporation Court of the City of Houston has jurisdiction, and all fines or penalties imposed by said court, including all costs incident thereto, and assessed against the parties so fined, are by this act declared to be due and owing to, and shall be payable to the City of Houston, and in all cases where fees are allowed the officers making the arrest, or the attorneys prosecuting said causes in said Corporation Court, said fees shall be payable to, and shall hereby become due and owing to the City of Houston.

And the City of Houston shall by ordinance prescribe that no officer or employee in the service of the City of Houston shall receive any fees, rewards or perquisites accruing from any service performed in any manner whatsoever, whether authorized by the general laws of the State or otherwise, but in addition may prescribe by ordinance that said fees, which may be collectible by said officers under the State law, shall become the property of, and shall be payable to the City of Houston, and a failure on the part of any officer or employee to collect said fees when collectible, and to pay the same over to the City of Houston, shall be deemed a malfeasance in office, and said officer shall be removed.

Sec. 4. Sidewalks—The City of Houston may by appropriate penal ordinance compel the construction and laying of sidewalks by property owners in front of or abutting on their land, or property, and may prescribe the character of such sidewalk, and the manner in which it shall be laid. Should any person or corporation owning land in the City of Houston fail or refuse to construct sidewalks in front of or abutting on their property, in accordance with the ordinance passed by the City of Houston, in addition to the penalty, provided for herein, the City of Houston shall have the right to have said sidewalk constructed in accordance with such ordinance at the expense of the abutting property owner, and may recover a personal judgment in any court having jurisdiction of the amount, for the costs and expense in constructing said sidewalks, with 10 per cent. additional for attorney's fees. The Council may also, by ordinance, provide that the city shall not pave with brick, asphalt, stone or gravel, any street unless and until the owners of abutting property shall previously lay in the manner as may be prescribed by the city a curb and sidewalk thereon.

Sec. 5. Vestibule Cars—The City Council may, by ordinance, duly passed, require any street car company operating its lines or cars within or into the City of Houston, to equip its cars with vestibules of such pattern and style and during such period of the year, as may be prescribed by ordinance.

The city shall also have the right and power, by ordinance duly passed, to require any street railway company operating its cars or lines within the limits of the City of Houston, to equip its cars with fenders of such style, design or pattern, as may be prescribed by the City Council, and to run closed cars in the months of December, January and February of each year.

ARTICLE IV (a).

Street Improvements.

Section 1. The term "improvements" as embraced in this article shall include the improvement of any street, avenue, alley, highway, public place or square or boulevard, or any portion thereof, within the city, by filling, grading, raising or paving or repaving the same with any permanent and durable materials, or by the construction, reconstruction or repair of curbs and gutters, and shall also include the laying out, opening, widening, narrowing, straightening or otherwise establishing, defining or locating any street, avenue, alley, square, public place or sidewalk.

Sec. 2. The term "highway" wherever used in this article, shall include any street, avenue, alley, public place, square or boulevard dedicated to public use, or portion thereof.

Sec. 3. Apportionment of Cost of Street Improvements—Subject to the terms hereof the cost of improving any highway or portion thereof, except the street intersections, which cost shall always be borne by the City of Houston, may be paid wholly by the City of Houston, or partly by the city and partly by the railroad company that may occupy such street and the owners of property abutting thereon, or wholly by the railway thereon and the owners of the property abutting thereon, and a portion not less than two-thirds, or the whole of the said cost of constructing such improvements may be assessed against said street railroads and owners and their property as the Council may provide; provided, that the petition or petitions hereinafter mentioned shall be first filed with the City Council, or the Council itself shall initiate and order the improvement of any highway or portion thereof under the terms and conditions of this Charter. (As amended, 1913.)

Sec. 3. Subject to the terms hereof the cost of improving any highway, or portion thereof, may be paid wholly by the city, or the cost of such improvement may be paid partly by the city and partly by the owners of property abutting thereon, and a portion of the said cost assessed against said owners and their property; provided, that the petition or petitions hereinafter mentioned shall be first filed with the City Council; and provided, that not more than two-thirds of the cost of any improvement, except for the construction of curbs, shall be assessed against such owners or their property, but the whole cost of constructing curbs in front of any property may be assessed against the owners thereof and said property. (Amended; see next preceding section.)

Sec. 4. The City Council shall have power to assess against the owner of any steam railroad or street railway occupying any highway ordered to be improved, the whole cost of such improvement, between and under

its rails, tracks or switches, and twelve inches on the outside of the rails, and shall have power, by ordinance, to levy a special tax for the purpose of paying said cost, upon said railroad or street railway, its roadbed, ties, rails, fixtures, property, rights and franchises, which tax shall constitute a lien thereon superior to any other liens, claims or titles, except lawful taxes. Said tax and lien may be enforced either by the sale of said property in the manner and by the officers prescribed by law for the sale of property by the city, for ad valorem taxes, or by suit in any court having jurisdiction. The ordinance levying said tax shall prescribe when it shall become due and delinquent. Said tax shall bear interest from its due date at the rate of 6 per cent per annum, and if not paid within thirty days from the said date a penalty of 10 per cent thereon shall accrue and be recoverable.

Sec. 4-a. Price Lists of Paving to Be Filed by Contractors—As soon after the taking effect of this amendment as may be practicable the City Council may by resolution provide that all persons, firms or corporations offering to pave or improve any highways in the City of Houston shall file with the City Secretary a list stating the kind or kinds of pavements laid by them, the kind or kinds of materials used, and a list of the unit prices at which they propose to furnish or lay such pavement, and the Council shall cause a list of same to be made by the City Secretary; provided, that the said list may be by the Council changed from time to time by resolution as conditions may suggest or require, and said list shall be filed in the City Secretary's office and subject to inspection at all times, and no bid shall be accepted, should any pavements be advertised for, which is in excess of the price so filed with the Council, and any change in unit price desired to be made by any person, firm or corporation shall be made and filed at least 30 days before any advertisement for bids. (Added by amendment, 1913.)

Sec. 5. Petitions for Street Improvements and the Action to Be Taken Thereon—Whenever the owners of 51 per cent. of the front feet of property abutting upon any highway, or portion thereof, proposed to be improved, shall, in writing, petition the City Council to make improvements thereon, and shall generally designate the nature of the proposed improvements, and the limits within which the same are to be constructed, the kinds of pavement that may be constructed and the material or materials to be used in such pavement; and said petition shall authorize the City Council to select from the pavements and materials named in said petition such of same as the City Council may conclude to adopt, and shall agree to pay the whole cost of constructing curbs, if any, and shall stipulate the portion of the cost of the other improvements in front of the property of such petitioning owners abutting the said highway named to be improved, exclusive of the portion thereof payable by the owners of railroads and street railways, or paved by them or it under orders of the City Council, to be not less than two-thirds thereof to be paid by petitioners, who shall expressly agree to pay the same; the City Council shall receive said petition or petitions and cause the same to be filed, and said petition or petitions shall remain on file with said Council not less than five days before the date fixed by it for acting upon said petition, and the City Council shall publish in some newspaper of general circulation in the City of Houston a notice to the effect that a petition for the improvement of such highway or portion thereof has been filed with the said Council and will be acted on by the Council on the day and at the

time and place mentioned in the said notice, and thereat the City Council shall consider the said petition and shall hear any objections thereto which may be made by any owner of property abutting the proposed improvement, or any party interested therein, and shall examine into the regularity of the said petition and the genuineness of the signatures thereto, and if the said petition, or petitions, are found by the City Council to be in due form, and that the signatures thereto are genuine, and that the owners of at least 51 per cent of the front feet of property abutting upon the said improvement have signed the same, and if in the judgment of the City Council, under all the circumstances, including the portion of the cost agreed to be paid by petitioners, the making of such improvement is for the public good, and that the same ought to be made, and if there shall be a fund legally available out of which the city's portion of the cost of the proposed improvements can be appropriated, the City Council shall by resolution so declare, and shall order the making of such improvements, and shall direct the City Engineer to prepare plans and specifications for the proposed improvements of the various kinds of pavement and materials named in said petition or petitions and present the same to the City Council for its approval. And the passage of such resolution shall be conclusive of the regularity and legality of such petition or petitions, and the public necessity and general benefit of such improvements; provided, such petitions may stipulate the maximum cost per cubic or square yard of such improvements, or front foot of abutting property, at which the work of constructing the said improvements shall be let; and no contract shall be let at a greater cost than is thus stipulated. (As amended, 1913.)

Sec. 5. Whenever the owners of two-thirds of the front feet of property abutting upon any highway, or portion thereof, proposed to be improved, shall, in writing, petition the City Council to make improvements thereon, and shall generally designate the nature of the proposed improvements, and the limits within which the same are to be constructed, the kind of pavement to be constructed and the material or materials to be used in such petition or petitions, agree to pay the whole cost of constructing curbs (if any), and two-thirds of the cost of other improvements in front of the property of such petitioning owners abutting upon the said highway named to be improved, exclusive of the portion thereof payable by owners of railroads and street railways, the City Council shall receive said petition or petitions and cause the same to be filed, and said petition or petitions shall remain on file with said Council not less than five days before the date fixed by it for acting upon the said petition, publish in some newspaper of general circulation in the City of Houston, a notice to the effect that a petition for the improvement of such highway, or portion thereof, has been filed with the said Council and will be acted on by the Council on the day and at the time and place mentioned in the said notice, the City Council shall consider the said petition and shall hear any objections thereto which may be made by any owner of property abutting the proposed improvement, or any party interested therein, and shall examine into the regularity of said petition and the genuineness of the signatures thereto, and if the said petition, or petitions, are found by the City Council to be in due form, and that the signatures thereto are genuine, and that the owners of at least two-thirds of the front feet of property abutting upon said improvement have signed the same, the Council shall, by resolution, so declare and shall order the making of such improvements, and the passage of such resolution shall be conclusive of the regularity and legality of such petition, or petitions, and the public necessity and general benefit of such improvements; provided, the Council shall refuse to grant said petition, or petitions, if there shall be no fund legally available out of which the city's portion of the cost of the proposed improvements can be appropriated. Said resolution shall direct the construction of the kind of pavement specified in said petition, and of the other improvements therein described, and the use of the materials therein designated; provided, such petitions may stipulate the maximum cost per cubic or square yard of such improvements, or front foot of abutting property, at which the work of constructing the said improvements shall be let; and no contract shall be let for a greater cost than is thus stipulated. (Amended; see next preceding section.)

Sec. 5a. Street Improvements Initiated by Council and Subsequent Procedure—Whenever the City Council of the City of Houston shall decide to initiate the improvement of any highway it shall by resolution declare that such highway shall be improved, either partly or wholly at the cost of the abutting property owners and steam railroads and street railways occupying parts of the same as is provided in Sections 3 and 5 of Article IVa, the Council shall also by resolution require the City Engineer to prepare and file with the City Council, as is provided in Section 6, complete specifications for the proposed improvements, together with a written statement which shall contain the names of the persons, firms, corporations and estates owning property abutting on the highway or portion thereof to be improved, with the number of front feet owned by each and the description of their property either by lot or block number or in any other manner sufficient to identify it, and when the same shall have been prepared the City Council shall by resolution order a hearing to be given before the City Council to such owners, their agents or attorneys, and set a time and place for the same, which shall be not less than ten days from and after the passage of such resolution, a notice of which shall be given by publication in some daily newspaper of general circulation in the City of Houston, not less than three times before the date set forth for the said hearing, the first publication to be not less than ten days prior to the date of said hearing, and shall also give notice of said hearing by posting copies of said notice in the postoffice in Houston, Texas, by registered mail, addressed to said property owners, if their address be known, but if not known, then to their agents or attorneys, if known. Said notices shall be posted not less than ten days prior to the date of the hearing, and unless at said hearing the owners of more than forty-nine per cent. of the front feet of property abutting on the highway or portion thereof proposed to be improved shall in open council register their objections thereto, which with the names of the objectors shall be entered by the Secretary in the minutes of the meeting, the City Council may after the conclusion of said hearing order the making of said improvements, and shall determine and fix the cost of the improvement which is to be paid by the abutting owners, to be not less than the whole cost of constructing curbs and not less than two-thirds of the cost of other improvements in front of the property of the abutting owners, exclusive of the portion thereof payable by or to be done by street and steam railways, and proceed therewith as is elsewhere provided in this Article; provided, that if there shall be no funds legally available out of which the city's portion of the cost of improvement can be appropriated, the making of such improvement shall not be ordered. (Added by amendment, 1913.)

Sec. 6. Specifications, Advertisements, Bids and Contracts for Street Improvements—When said resolution provided for in Sections 5 and 5a has been adopted, the City Engineer shall forthwith prepare and file with the City Council complete specifications for the proposed improvements, so prepared as to permit, if desired by the Council, the securing of bids for any portion of said improvements separately from the other portions, which said specifications shall be examined, and if found correct, be approved by the City Council. When said specifications have been approved the City Council shall cause advertisement to be made for competitive bids for the construction of said improvements of each of the pavements and materials named in the petition or petitions, or resolution of the Council provided for in Section 5a, such advertisements to be

made in the manner and for the length of time required by the other provisions of this Charter, and when bids have been received and opened and the Charter requirements with reference to the acceptance and consideration of bids have been complied with, the City Council shall adopt the pavements and materials to be used in the construction of said improvements, including that portion of the street occupied by and chargeable to a steam railroad or street railway, and shall have the power to contract for the construction of said improvements, and to cause the same to be constructed; provided, that the City Council is expressly authorized to adopt and provide for that portion of such street occupied and paid for by any steam railroad or street railway such material or kind of pavement as the City Council may deem suitable for that purpose, whether it be the same materials and pavements adopted for the balance of the street or not. And said City Council shall cause to be executed a contract in writing between the city and the contractor or contractors to whom the work may be let, providing for the construction thereof in accordance with said specifications, which contract shall be approved by the Council and signed by the Mayor and countersigned by the Controller under the impress of the corporate seal. At or prior to the execution of said contract or contracts the Council shall appropriate from said legally available fund of the city a sum sufficient to pay the portion of the cost of said improvement payable by it, which sum when appropriated shall be used for that purpose only.

The City Council shall have power to require the contractor to whom the work may be let to enter into such bonds as may be required by it for the faithful performance of the contract, and also a bond conditioned for the maintenance of said improvements in good repair and condition at the cost of the contractor for a period of not less than five years from the completion thereof. Said bonds, if required, shall be executed by the contractor or contractors with one corporate surety authorized to do business in Texas. (As amended, 1913.)

Sec. 6. When said resolution has been adopted, the City Engineer shall forthwith prepare and file with the City Council complete specifications for the proposed improvements, which shall be examined and, if found correct, be approved by the Council. When said specifications have been approved the City Council shall have power to contract for the construction of said improvements, and to cause same to be constructed, and shall cause to be executed a contract in writing between the city and the contractor to whom the work may be let, providing for the construction thereof in accordance with said specifications; which contract shall be approved by the Council and signed by the Mayor and countersigned by the Comptroller under the impress of the corporate seal. At or prior to the time of the execution of said contract the Council shall appropriate from said legally available fund of the city a sum sufficient to pay the portion of the cost of said improvement payable by it, which sum, when so appropriated, shall be used for that purpose only.

The City Council shall have power to require the contractor to whom the work may be let, to enter into such bonds as may be required by it for the faithful performance of the contract; and also a bond conditioned for the maintenance of said improvements in good repair and condition at the cost of the contractor for a period of not more than five years from the completion thereof. Said bonds, if required, shall be executed by the contractor with one corporate surety authorized to do business in Texas. (Amended; see next preceding section.)

Sec. 7. When said contract has been executed, the City Engineer shall at once prepare and file with the Council a written statement, which shall contain the names of the persons, firms, corporations or estates owning property abutting on the highway, or portion thereof, to be improved, with the number of front feet owned by each, and a description of their property, either by lot or block number, or in any other

manner sufficient to identify it. Said statement shall also contain the estimated total cost of the whole improvement, and the estimated cost per front foot of abutting property proposed to be assessed against owners thereof. Said statement shall be examined by the City Council, and any errors or mistakes therein corrected, but no error or mistake in said statement shall invalidate any proceeding had or assessment made under the terms of this Article. Upon approval of said statement by the Council it shall so declare by resolution. Said resolution shall order a hearing to be given before the City Council to said owners, their agents or attorneys, and set a time and place for the same; at which hearing an opportunity shall be given to said owners, or any party interested, to be heard concerning the special benefits, if any, to said property by means of said improvements, or concerning any error or invalidity in any proceeding with reference thereto, or concerning any matter or thing connected therewith, and said resolution shall direct the City Secretary, or such other officer of the city as may be designated by the Council, to give notice of said hearing by publishing a copy of said resolution in some daily paper of general circulation in the City of Houston, not less than three times before the date set forth for said hearing, the first publication to be not less than ten (10) days prior to the day of said hearing. The said notice shall also contain a general statement of the nature of the proposed improvements, and the limits within which same are to be constructed, and a statement of the amount per front foot of property abutting on said improvement which it is proposed to assess against owners thereof.

The City Secretary, or officer designated by said resolution, shall publish said notice as herein provided, and shall also give notice of said hearing by posting copies of said notice in the postoffice in Houston, Texas, by registered mail, addressed to said property owners, if their address be known, but if unknown, then to their agents or attorneys, if known. Said notices shall be posted not less than ten days prior to the date of the hearing. But said notice by posting shall be only cumulative of and in addition to the notice herein provided to be given by advertisement, which shall be sufficient and valid without any further notice.

At the time and place named in the said resolution and notice, said property owners, their agents and attorneys, shall receive a full and fair hearing before the City Council as to the special benefits, if any, of said proposed improvements to their property, and as to any error or invalidity in any proceeding with reference to said improvements, or any objection to said assessment, or any matter in connection therewith, and shall be entitled to subpoena witnesses and produce testimony. Said hearing shall be kept open and adjourned from day to day and time to time until all protests shall have been duly heard.

Upon conclusion of the said hearing the City Council shall determine from the evidence before it the amount, if any, to be assessed against each property owner and their property, but no assessment shall be made against any property owner or their property in excess of the actual benefits to said property in the enhanced value thereof by means of said improvement, nor until after the said notice and hearing. The City Council shall have full power to inquire into and determine all facts necessary to the adjudication of any objection made to said proposed assessment, and to ascertain said benefits, and shall render such judgment and order in each case as shall be just and proper. Any objection to the said assessment or to the validity of any proceeding with reference

to the said improvement, shall be filed with the Council in writing before said hearing is closed, and shall be deemed waived unless so filed.

Sec. 8. At any time within ten days after the closing of said hearing anyone having an interest in property subject to assessment in any proceeding hereunder, or who may be subject to a personal liability for a part of the cost of improvements ordered by said Council, may institute suit in any court of competent jurisdiction to contest the validity in whole or in part of said assessment, or lien or personal liability fixed by said proceedings, or the validity or regularity of any of said proceedings. Any person who shall fail to institute such suit within said ten days, or to diligently prosecute the same to final judgment, shall be forever barred from contesting in any other proceedings, and said assessment, lien or personal liability, or the validity of any proceedings with reference to said improvement, and this bar and estoppel shall bind the heirs, assigns, successors or personal representatives of such persons.

Whenever any such suit shall be brought, the work of constructing the improvement may be suspended at the election of either the city or the contractor to whom the work may be let, until the final determination of such suit. Any appeal or writ of error shall be perfected within thirty days after the adjournment of the term of court of original jurisdiction in which final judgment was rendered therein, and no appeal or writ of error shall thereafter be taken out or perfected by either party. Such suits shall be entitled to precedence in all courts of the State, and shall be heard as soon as practicable, and any party thereto may move for an early hearing.

The City of Houston and the contractor, or contractors, to whom the work of constructing said improvements may have been let, shall be parties defendant to such suits with other proper parties.

Sec. 9. When the hearing above mentioned has been concluded, the City Council shall by ordinance assess against the several owners of the property abutting upon the highway, or portion thereof ordered to be improved, and against their property, such proportionate part of the cost of the improvement as may have been adjudged against them, respectively. The portion of said cost assessed against any such owner or his property, together with reasonable attorney's fees and costs of collection when incurred, shall constitute a personal liability of said owner and a first and prior lien upon said property, superior to all other liens, claims or titles, except for lawful ad valorem taxes. Such ordinance shall fix and declare said lien and liability and shall state the time and manner of payment of said assessments. The City Council shall have power to provide that said assessments shall be payable in installments, not, however, exceeding five, the last payable not exceeding four years from the completion and acceptance by the city of the improvement.

Deferred payments shall bear interest at the rate of not exceeding 8 per cent. per annum, as may be prescribed by said ordinance, but any person against whom such assessment may be made shall have the right to pay any or all of said deferred payments before maturity upon payment of principal and accrued interest.

Said ordinance shall provide that default in the payment, when due, of any installment of principal or interest upon said assessment, shall mature the whole thereof. The fact that more than one parcel of land, the property of one owner or of two or more persons, have been assessed

together shall not invalidate the same, or any claim of personal liability thereunder. The lien and personal liability fixed by said assessment shall be enforced, together with cost of collection and reasonable attorney's fees, if incurred, either by suit in any court having jurisdiction, or by sale of the property assessed, in the same manner as far as applicable and by the same officers as provided by law for sales of real estate by the City of Houston for delinquent city ad valorem taxes, provided that it shall not be necessary to make said sales at the same time provided for such tax sales.

The recital in any deed given by any officer making such sale, under the terms thereof, that all things prerequisite to the validity of said sale have been done or performed, shall be prima facie evidence of the facts so stated and no other evidence thereof shall be required.

The portion of the cost of an improvement determined by the Council to be payable by the owners of property abutting thereon, shall be apportioned between them in accordance with the front foot plan or rule, in proportion as the frontage of each owner is to the whole frontage to be improved; provided, that if in individual cases the Council shall determine that the strict application of this rule would result in injustice or inequality, then the said Council shall adopt such rule of apportionment as will produce substantial equality among said owners, considering burdens imposed upon and benefits received by them. Said ordinance of assessment may contain any such other provisions not inconsistent herewith.

Any error or omission in describing property or in designating owners, or any other error or mistake, may be corrected at any time by said Council or at the suit of any interested party.

It shall be the duty of the Council to provide for the enforcement and collection of said assessments, and it shall have power to pass any ordinance or resolution for this purpose.

Sec. 10. When the Council has reason to believe that the owner of any property may successfully claim the same as exempt from special assessment, it may order that the improvement be not made in front of such property unless said owner shall first satisfactorily secure the payment of the portion of the cost of the improvement determined to be payable by him. And whenever a part of the said cost is payable by the owner of such exempt property, and it is provided in the proceedings or contract with reference to the improvement that the contractor is to look to the owners of abutting property and their property for the payment of such part of said cost, the contractor to whom the work shall be let shall not be required to construct the improvement in front of any such exempt property until first satisfactorily secured in the payment of the amount payable by the owners of such exempt property. And the failure to construct such improvements in front of such exempt property shall not invalidate the lien or personal liability fixed by said ordinance of assessment against any other property abutting on the highway improved, or the owner thereof.

Sec. 11. Whenever any error or mistake shall occur in any proceeding under this Article, it shall be the duty of the City Council to correct same; and whenever, for any reason, it shall appear that any assessment or claim for personal liability fixed or attempted to be fixed against any property or its owner hereunder is unenforceable on account of any error or invalidity in any of said proceedings, or the assessment of any property

has been by error omitted, the City Council shall have power and it shall be its duty at any time to reassess against said property and its then owner the amount determined to be properly payable by said owner after notice to and hearing of said owner in the manner hereinbefore provided. But no reassessment shall be made against any property in any amount in excess of special benefits thereto in enhanced value thereof by means of the improvement.

Sec. 12. The passage by the City Council of a resolution directing the improvement of any highway, or part thereof, shall operate as notice thereof and of the assessment and lien thereafter fixed upon property abutting said highway, as against all creditors or owners of such property and purchasers thereof, and the lien fixed by said assessment shall, without further proceeding or record, relate back to said resolution and be effective against said purchasers or creditors.

Sec. 13. The City Council shall have full power, and it shall be its duty, to adopt any ordinance or resolution and to do all things which may be necessary or proper, and not inconsistent with this Article, to carry into effect every provision thereof.

Sec. 14. The City Council shall have the power to authorize the issuance by the city to the contractor constructing any improvement, of assignable certificates against property abutting such improvement and its owner, or against the owners of steam railroads or street railways whose tracks occupy the highway improved, and against their property, and shall prescribe the form of such certificates. The recital in such certificates that the proceedings with reference to the improvements therein referred to have been regularly had in compliance with the Charter of the City of Houston, and that all prerequisites to the fixing of the lien and personal liability evidenced by said certificates have been performed, shall be prima facie evidence of the facts so recited and no other proof thereof shall be required; but in all courts the said proceedings and prerequisites shall, without further proof, be presumed. Such certificates shall be signed by the Mayor and attested by the Controller with the impress of the corporate seal.

Sec. 15. The Council may provide that contractors to whom the work of improvement may be let shall look only to the owners of abutting property and their property and to the lien and liability against the same fixed by the city for the payment of that portion of the cost of improvements payable by said owners and assessed against them and their property, and in such event the city shall not be responsible or liable for such portion of the cost of improvement.

Sec. 16. The powers granted by this Article and the procedure therein provided shall be cumulative of and in addition to the powers granted and procedure provided for in the present Charter of the City of Houston with reference to street improvements and contracts therefor.

Sec. 17. The benefit of this act shall apply to the City of Houston and the terms thereof shall extend to said city when the City Council shall submit the question of the adoption or rejection of this amendment to a vote of the resident property taxpayers who are qualified voters of said city at a special election called for that purpose by said City Council, if the same be adopted at the election. Said election shall be held in com-

pliance with the law governing regular city elections in said city; but City Council is empowered to order said election and prescribe the time and manner of holding the same, and shall canvass and determine the results of said election, and if a majority of the voters voting upon the question of this amendment at said election shall vote to adopt the same, the result of the election shall be entered upon its minutes by the City Council and thereupon all the terms hereof shall be applicable to and govern said City of Houston.

A certified copy of said minutes shall be prima facie evidence of the result of the election and the regularity thereof, and the facts therein recited shall, in all courts, be accepted as true. When this act has been adopted by the City of Houston, the Mayor and Council thereof shall have the power to pass all ordinances or resolutions necessary to give full force and effect thereto and to every part thereof.

Sec. 18. That the near approach of the present session of the Legislature and its short duration and the imperative necessity of the immediate improvement of the highways of the City of Houston, and the fact that the present Charter of the City of Houston contains no adequate provision for such improvements, create an imperative public necessity demanding the suspension of the constitutional rule requiring bills to be read on three several days, and said rule is so suspended and creates an emergency requiring that this act take effect from and after its passage; and it is so enacted.

ARTICLE V.

Section 1. Elective Officers—The administration of the business affairs of the City of Houston shall be conducted by a Mayor and four Aldermen, who, together, shall be known and designated as the City Council, each and all of whom shall be elected by the qualified voters of the city at large, and who shall hold their respective offices for two years from and after the next city election, or until their successors are elected and qualified, unless sooner removed, as is provided by this act; provided, however, that all of the present officers of the City of Houston, who were elected at a city election held in said city on the fourth day of April, A. D. 1904, pursuant to the provisions of an act passed by the Twenty-eighth Legislature of the State of Texas, entitled: "An act to provide a charter for the City of Houston, Harris County, Texas, repealing all laws or parts of laws in conflict herewith, and declaring an emergency"; except the Mayor, Aldermen and City Attorney, shall hold their respective offices, unless sooner removed by the Mayor for cause, and receive the compensation now fixed therefor; until the expiration of two years from and after the date of their election on the fourth day of April, 1904, and qualification thereunder.

Compensation of all officers, except the Mayor and Aldermen, shall be fixed by the City Council, which may increase or diminish the same at will, or abolish entirely any office at any time, except as to the officers above mentioned, and until their two years' term of office expires.

In case a primary election is held pursuant to the call or under the direction of any political party, or of any association of individuals for the nomination of candidates for the offices of Mayor and Aldermen, the candidates or persons voted for in said primary election shall be voted for at large by all of the legally qualified voters in said city, it being the

purpose of this act to nominate and elect at large in said city the Mayor and Aldermen, without restricting the nomination of candidates for either position to any smaller designated territory within the limits of said city, and any primary election held for the purpose of nominating candidates who shall stand for election at a city election in said city at which said primary the candidates for Mayor and Aldermen are not voted for, as herein provided, shall be absolutely illegal, and no person so nominated at said primary election shall be eligible to election at a general election, nor shall he hold any office if elected thereto after nomination in a primary wherein the voters at large in said city did not participate in said primary election.

Sec. 2. Appointive Officers—The Mayor shall have power to appoint, subject to confirmation by the City Council, such heads of departments in the administrative service of the city as may be created by ordinance, and shall have power to appoint and remove all officers or employees in the service of the city for cause, whenever in his judgment the public interests demand or will be better subserved thereby; and no officer whose office is created by ordinance shall hold the same for any fixed term, but shall always be subject to removal by the Mayor or may be removed by the City Council. In case of such removal, if the officer or employee so removed requests it, the Mayor or City Council, as the case may be, shall file in the public archives of the city a written statement of the reason for which the removal was made.

Sec. 3. Commissioners—The four Aldermen or Commissioners to be elected at the regular city election shall be designated and denominated as follows:

No. 1—Tax and Land Commissioner.

No. 2—Fire Commissioner.

No. 3—Street and Bridge Commissioner.

No. 4—Water Commissioner.

In primary nominating or regular elections each candidate shall designate the position for which he is a candidate and shall have his name placed on the official ballot as a candidate for the particular position which he seeks, and each voter shall vote for only one candidate for each position whether in nominating primary or regular election, unless the voting be by preferential ballot, in which event they shall vote for them as prescribed by ordinance.

That such Aldermen, in addition to the duties indicated by the above positions and as provided in this Charter, shall perform any and all other and further duties as are now or may hereafter be required by ordinance or resolution. (Added by amendment, 1913.)

Sec. 4. Compensation of Employees—There is hereby established as a minimum wage for all of the day laborers of the City of Houston the sum of two dollars per calendar day of eight hours during which they shall work, and it shall be unlawful for any officer, agent or employee of the City of Houston to require or permit any day laborer of the City of Houston to perform work for the city for a less wage than two dollars per calendar day for each and every day during which he shall be so employed or performing work for the City of Houston. Provided further, that should any such laborer be required or permitted in the case of an emergency to work more than eight hours in any one calendar day he

shall be paid for all time over said eight hours on the basis of eight hours constituting a day's work. (Added by amendment, 1913.)

Sec. 4a. Provisions for Primary Elections for the Nomination of Elective Officers by the Preferential Ballot—The City Council shall pass all necessary ordinances providing for and requiring the nomination of all candidates of any political party for elective officers in the City of Houston by preferential ballot substantially in accordance with the following, viz:

(a) **Form of Ballot**—The executive committee of any such political party shall cause the ballots to be printed, etc., as provided by law. The ballots shall contain a complete list of the offices to be filled and the names of the candidates of such political party therefor. When the number of candidates is more than three times the number of offices to be filled the form of the ballot shall be substantially as follows: It shall be designated "official ballot." Underneath this shall appear the following: _____ (name of political party) primary for the nomination of elective officers.

(b) **Instructions to Voters**—To vote for any candidate place a cross (X) mark with ink in a blank space opposite the name of the candidate for whom you desire to vote. If you wrongly mark, tear or deface this ballot, return it to the judges of election and obtain another.

Do not vote more than one choice for any candidate, as only one choice will be counted.

Vote as many third choices as you wish.

Vote your first choice in the first column.

Vote your second choice in the second column.

Vote in the third column for all the other candidates whom you wish to support.

(Suggested form for ballot without heads and instruction.)

ONE MAYOR TO BE NOMINATED.

	First	Second	Third
Mayor—	Choice	Choice	Choice
(Names of Candidates)			

FOUR ALDERMEN OR COMMISSIONERS TO BE NOMINATED.

	First	Second	Third
Alderman—	Choice	Choice	Choice
No. 1.			
Tax and Land Commissioner—			
(Names of Candidates)			

	First	Second	Third
Alderman—	Choice	Choice	Choice
No. 2.			
Fire Commissioner—			
(Names of Candidates)			

	First	Second	Third
Alderman—	Choice	Choice	Choice
No. 3.			
Street and Bridge Commissioner—			
(Names of Candidates)			

Alderman— No. 4. Water Commissioner— (Names of Candidates)	First Choice	Second Choice	Third Choice
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ONE CONTROLLER TO BE NOMINATED.

Controller— (Names of Candidates)	First Choice	Second Choice	Third Choice
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—— SCHOOL TRUSTEES TO BE NOMINATED (IF ELECTIVE).

School Trustees— (Names of Candidates)	First Choice	Second Choice	Third Choice
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ONE CHAIRMAN OF —— EXECUTIVE COMMITTEE TO BE ELECTED.

Chairman Executive Committee — (Names of Candidates)	First Choice	Second Choice	Third Choice
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FOUR —— EXECUTIVE COMMITTEEMEN TO BE ELECTED.

Executive Committeemen— (Names of Candidates)	First Choice	Second Choice	Third Choice
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(Other officers, if any, charter amendments or other referendum matters to be voted upon here.)

(c) When the number of candidates is more than three times the number of places to be filled the ballot shall contain three columns, as above headed, respectively: First, second and third choice, so that there shall be three blank spaces after the name of each candidate, one under each of said designations.

(d) When the number of candidates is more than two times the number of offices to be filled and not more than three times the number of offices to be filled the ballot shall give first and second choice columns only.

(e) When the number of candidates is not more than two times the number of offices to be filled only one column for marking votes shall appear.

(f) The instructions to voters shall be changed to correspond with the number of columns for choices on the ballot.

(g) All ballots shall be of the same size and quality, on white paper of the same tint and the same kind of type and printed with black ink. Space shall be provided for charter amendments and other questions to be voted on at city elections. The names of the candidates shall be arranged by lot by the executive committee as provided by law.

(h) Such executive committee at least ten days before the primary election shall cause as many sample ballots as may be necessary to abundantly supply the voters to be printed upon paper of different color, but otherwise identical with the ballots to be used at the election, and shall distribute the same upon application to the qualified voters of said city.

(i) **Canvass of Returns**—Such ballots shall be counted at the times and in the manner provided by law, and the judges shall cause to be entered the number of first, second and third choice votes for each candidate on the tally sheet and make return thereof to the executive committee as provided by law.

(j) If a ballot contain more than one vote for the same candidate only the one of such votes highest in rank shall be counted. All ballots shall be void which do not contain first choice votes for as many candidates as there are offices to be filled, if the voter votes for any candidates for such office or offices. If a ballot contain either first or second choice votes in excess of the number of offices to be filled no vote in the column showing such excess shall be counted.

(k) Candidates receiving a majority of first choice votes for any office shall be nominated. If the full number of candidates to be nominated do not receive such a majority of the first choice votes for such office, a canvass shall then be made of the second choice votes received by those candidates for said office who are not nominated by first choice votes; said second choice votes shall be added to the first choice votes received by such candidates, and candidates who with such addition shall receive a majority shall be nominated.

(l) If by the count of either first choice votes, or first and second choice votes, as above provided, more candidates than there are places to be filled shall receive a majority, the candidate or candidates equal in number to the number of places to be filled having the highest vote shall be nominated.

(m) If the full number of candidates to be nominated do not receive a majority by adding first and second choice votes, as above directed, a canvass shall then be made of the third choice votes received by those candidates for said office who are not nominated either by first choice votes or by adding first and second choice votes, said third choice votes shall then be added to the first and second choice votes received by such candidates and the candidates equal in number to the number of places remaining to be filled who received the highest number of votes by said addition shall be nominated.

(n) A tie between two or more candidates shall be decided in favor of the one having the highest number of first choice votes. If they are also equal in that respect, then the highest number of second choice votes shall determine the result. If this does not decide, then the tie shall be determined by lot.

(o) The word "majority" when used in this charter shall mean more than one-half of the total number of ballots cast at such election.

(p) No informalities in conducting a municipal election shall invalidate the same if they be conducted fairly and in substantial compliance with the Constitution and laws of the State of Texas and the charter and ordinances of the City of Houston.

(q) The City Council in passing the above mentioned ordinances is authorized to depart herefrom or add hereto so long as it does not impair the purpose and intent of this section.

(r) If the Council can not pass ordinances adopting the preferential ballot for primary elections when this amendment is adopted because of existing laws of the State, then it shall adopt the same for primary elections, carrying out the purpose and intent of this amendment, whenever the laws of the State will allow and permit of its adoption, but this

amendment shall not become effective until such ordinances have been by the Council passed, and until the passage of such ordinances putting this amendment into effect all nominations of candidates of any political party for elective offices in the City of Houston shall be conducted as is now or may hereafter be by law or ordinance provided as though this amendment had not passed. (Added by amendment, 1913.)

ARTICLE Va.

Civil Service.

Section 1. Commission, Creation of—There is hereby established a Civil Service Commission, which shall consist of three persons, resident citizens of the City of Houston, who shall have resided in said city for a period of more than three years, and one of whom shall be a member of the City Council, and all of whom shall be over the age of 25 years. Immediately after this amendment goes into effect, or as soon thereafter as practicable, and every two years thereafter, the Mayor shall appoint and the City Council confirm such Commissioners, and they shall serve without compensation; their term of office shall be for two years, or until their successors are appointed and qualified. Any vacancy in said Commission caused by death, resignation or otherwise shall be filled by the Mayor and confirmed by the Council for the unexpired term of such retiring Commissioner.

Sec. 2. Rules and Powers of Commission—The Civil Service Commission, with the approval of the City Council, shall make such rules and regulations for the proper conduct of its business as it shall find necessary and expedient; but all rules made by the commission may be changed or amended by the City Council; provided, that no rules or regulations shall ever be adopted which will permit the appointment or employment of persons without good character or unfit and incompetent to discharge the duties thereof or prevent the removal or discharge of any appointee or employee for want of fitness, moral character, or competency, or the failure or refusal to properly discharge the duties of his appointment or employment.

The Civil Service Commission, among other things, shall provide for the classification of all employees eligible to civil service, except day laborers, and of all officers and appointees, including peace officers and firemen, except the heads of departments now existing or which may be hereafter created by the City Council, and the officers and appointees hereinafter named: The City Attorney and his assistants; City Tax Attorney, if there shall be one; City Engineer; Tax Assessor and Collector; Chief of Police; Chief of Fire Department; Fire Marshal; Purchasing Agent; City Health Officer; City Pathologist; City Scavenger; and all of the chief clerks of any and all departments of the city government, and the members of all the boards created and appointed by the Council shall not be subject to civil service rule; provided, however, that the naming of particular departments and the heads thereof as hereinbefore given shall not be exclusive of other departments that now exist, or that may be hereafter created by the Council, and no head of any department, nor his chief clerk, shall be subject to civil service rule. The Civil Service Commission shall also make provision for open, competitive and free examination as to the fitness in regard to classified services for an eligibility

list from which vacancies shall be filled, for a period of not less than 12 months' probation before being placed upon the classified list of appointees or employees and for promotion on the basis of merit, experience and record.

Employees of the city who may at the time of the adoption of this Article be in the actual service of the city shall retain their respective positions unless removed by the Mayor and City Council under the provisions of this Charter, until placed on the classified list after having served their probation.

The City Council may by ordinance confer upon the Commission such further and additional rights and duties as may be deemed necessary to enforce and carry out the principles of this Article.

Sec. 3. Removal of Employees—Any employee may be suspended by the head of the department under which he is employed, and thereupon his salary shall cease. The officer making the order of suspension shall forthwith file with the Civil Service Commission a statement of the suspension and his reasons therefor. Within ten days after such suspension the employee so suspended may, if he desires, file an appeal with the Civil Service Commission, who shall hold an inquiry within ten days thereafter, and said Commission shall make a decision within ten days after the hearing whether the employee shall be permanently dismissed from the service of the city or reinstated in his employment. All such hearings shall be public; the decision of the Commission shall be final. In order for an employee to file an appeal as hereinbefore provided it shall only be necessary for him to file a written statement showing in what department he was employed, when and for what he was suspended and a statement by him denying the truth of the matters charged in the statement of the officer so suspending him, and that he desires an appeal from the decision of said officer suspending him, which statement of appeal shall be signed and sworn to by the employee so suspended. In all hearings on appeal from the order of suspension by the Civil Service Commission, the judgment of the officer suspending the employee shall be presumed to be correct; the burden of disproving the charges made against the employee that resulted in his removal shall be upon the employee.

Sec. 4. Commission, Rules and Regulations—The Civil Service Commission, with the approval of the City Council, shall have power at all times to make proper rules and regulations for the government of the employees under civil service, and when any such rules or regulations have been made it shall cause said rules to be published in some newspaper in the City of Houston; provided, that no person under the age of twenty-one years or over the age of forty-five years, unless at the adoption of this amendment he shall have served the City of Houston for ten years, shall be eligible to appointment or employment under civil service; and provided, further, that no rules and regulations shall ever be adopted which will permit the appointment or employment of any person without good character, or unfit and incompetent for the discharge of the duties of such appointment or employment, or to prevent the removal or discharge of any appointee or employee for want of fitness, moral character or the failure or refusal to properly discharge the duties of his appointment or employment.

Sec. 5. That as to all employees, officers and appointees not under civil service the provisions of the present Charter shall remain in full

force as to such appointment, removal, salary, services and duties, unless amended at this or some other subsequent election. (Added by amendment, 1913.)

ARTICLE VI.

Section 1. The Mayor—The chief executive and administrative officer of the city shall be a Mayor, who shall be a citizen of the United States, a qualified voter, residing for five consecutive years immediately before his election within the city limits, and a bona fide owner of real estate for at least two years before his election, and shall hold his office for two years, and until his successor is elected and qualified, unless sooner removed as provided by this act.

Sec. 2. Mayor Pro Tem—At the first regular meeting of the City Council after the induction of the newly elected Mayor and Aldermen in office, the Mayor shall nominate, subject to confirmation by the City Council, one of the Aldermen who shall be known and designated as "Mayor Pro Tem," and shall continue to hold the title and the office until the expiration of the term of office for which he was elected as Alderman, but shall receive no extra pay by reason of being or acting Mayor Pro Tem.

Sec. 3. Disability of the Mayor—If for any reason the Mayor is absent from the city, sick or unable to perform the duties of his office, the Mayor Pro Tem shall act as Mayor, and during such absence or disability shall possess all of the powers and perform all of the duties of the Mayor, except that he shall not, independent of the City Council, appoint or remove any officer or head of any department from office, which officer or head of department was appointed by the Mayor, unless the Mayor shall be absent or disabled for a period of at least sixty days.

Sec. 4. Vacancy—In case of the death, resignation or permanent disability of the Mayor, or whenever a vacancy in the office of Mayor shall occur for any reason, the Mayor Pro Tem shall act as Mayor, and shall possess all of the rights and powers of the Mayor, and perform all of his duties, under the official title, however, of "Mayor Pro Tem" until an election is ordered by the City Council to fill the vacancy in the office of the Mayor. Said election, should a vacancy occur in the office of Mayor, shall be called by the City Council and held within thirty days thereafter, and notice by publication given for at least twenty days, as may be required by law.

Sec. 5. Removal of the Mayor—In case of misconduct, inability or wilful neglect in the performance of the duties of his office, the Mayor may be removed from office by the City Council by majority vote of all the Aldermen elected, but shall be given an opportunity to be heard in his defense, and shall have the right to have process issued to compel the attendance of witnesses, who shall be required to give testimony, if he so elects. The hearing, in case of impeachment of the Mayor, shall be public and a full and complete statement of the reasons for such removal, if he be removed, together with the findings of facts as made by the Council, shall be filed by the City Council in the public archives of the city, and shall be and become a matter of public record.

Pending the charge of impeachment against the Mayor, the City Council may suspend him from office for a period of not exceeding thirty days,

and if upon final hearing the conclusions and findings of the City Council are that the Mayor be impeached and removed from office, such findings shall be final.

Sec. 6. Veto Power of the Mayor—Every ordinance, resolution or motion of the City Council shall, before it takes effect, be presented to the Mayor for his approval and signature. If he approves it, he shall sign it; if he disapproves it, he shall specify his objection thereto in writing by the next regular meeting of the City Council, and return the same to the City Council, with such disapproval. If he does not return it with such disapproval, nor sign it, it shall upon the expiration of the time for its return to the City Council with his disapproval, be in effect and force, the same as if he had approved it. ✓

The City Council may, in case of the veto of any ordinance or resolution by the Mayor, pass the same over the veto of the Mayor by a majority vote, but in all such cases the Mayor shall not be deprived of his right to vote as a member of the City Council by reason of the veto. In case the Mayor's veto is sustained, the matter shall not again come before the Council within six months, but in ordinances or resolutions making appropriations, the Mayor may veto any or every item therein, but such veto shall only extend to the items so vetoed, and those which he approves shall become effective, and those which he disapproves shall not become effective, unless passed over his veto in the manner above specified.

Sec. 7. General Powers of the Mayor—The Mayor shall have and exercise such powers, prerogatives and authority, acting independently of or in concert with the City Council, as are conferred by the provisions of this act, or as may be conferred upon him by the City Council, not inconsistent with the general purposes and provisions of this Charter, and shall have the power to administer oaths, and shall sign all contracts and shall have the right and authority at any time to remove any officer or employee of the city subject to the provisions of this act; provided, however, he shall not have the right to remove one of the Aldermen of the city or the Controller, except by acting in concert with the other Aldermen as the City Council. ✓

In case of the disability or absence of the Judge of the Corporation Court, the Mayor, or in the absence or disability of the Mayor, the Mayor Pro Tem, shall act as Judge of the Corporation Court.

Sec. 8. Annual Budget—It shall be the duty of the Mayor from time to time to make such recommendations to the Council as he may deem to be for the welfare of the city, and on the second Monday of March of each year to submit to the Council the annual budget of the current expenses of the city for that fiscal year, each item in which may be increased, reduced or omitted by the Council, subject to the veto power of the Mayor.

The fiscal year of the City of Houston is hereby designated, beginning with the first day of March of each year and closing with the last day of February next ensuing thereafter.

Sec. 9. Salary of Mayor—The salary of the Mayor of the City of Houston from and after the election and qualification of the Mayor in April, 1915, shall be \$7,500.00 per annum, payable in equal monthly installments.

The Mayor shall devote his entire time to looking after the business and administrative affairs of said city, or performing such duties as may devolve upon, or may be incumbent upon him to perform; and if for any

reason, except in case of sickness, or on business of the city, the Mayor shall absent himself from the city and fail or refuse to perform and discharge the duties of his office for a period exceeding fifteen days, he shall not be allowed any compensation for such time exceeding fifteen days as he may fail to perform the duties of his office, but his salary shall for each and every day during such time, and in excess of fifteen days, be ratably reduced from his next monthly payment. (As amended, 1913.)

Sec. 9. Salary of the Mayor—The salary of the Mayor of the City of Houston shall be four thousand dollars per annum, which said salary shall be payable in equal monthly installments. The Mayor shall devote his entire time to looking after the business and administration affairs of said city, or performing such duties as may devolve upon or be incumbent upon him to perform, and if for any reason, except in case of sickness or on business for the city, the Mayor shall absent himself from the city or fail or refuse to perform and discharge the duties of his office, for a period of time exceeding fifteen days, he shall not be allowed any compensation for such time, exceeding fifteen days, as he may fail to perform the duties of his office, but his salary shall, for each and every day during such time and in excess of the fifteen days, be ratably reduced and deducted from his next monthly payment. (Amended; see next preceding section.)

ARTICLE VII.

Section 1. City Council—There shall be a City Council of the City of Houston, which shall consist and be composed of a Mayor and four Aldermen, with full power and authority, except as herein otherwise provided, to exercise all powers conferred upon the city subject to the veto power of the Mayor as hereinbefore provided.

Sec. 2. Qualification of Aldermen—No person shall be elected an Alderman unless he be a citizen of the United States, and shall have been for five years immediately preceding such election a citizen of the City of Houston, and for two years prior to his election a bona fide owner of real estate in said city.

All Aldermen shall be elected by a vote of the people at large, and if nominated by any political party or organization as a candidate at any primary election, said nomination shall be made by voting for the candidate at large in said city.

No person shall be eligible to office who shall have been nominated in any primary election in a ward or precinct of the city, or in any manner which will prevent the voters at large in said city from exercising the privilege of voting for or against said candidate.

Sec. 3. Judge of Elections—The City Council shall be the judge of the election and qualification of its own members, subject to review by the courts, in case of contest.

Sec. 4. Restrictions Upon Members of the Council—No member of the City Council shall hold any other public office, or hold any office or employment, compensation for which is paid out of public moneys; nor be elected or appointed to any office created by, or the compensation of which was increased or fixed by the City Council while he was a member thereof, until after the expiration of at least one year after he has ceased to be a member of the City Council. Nor shall any member of the City Council, or any officer of the City of Houston, be pecuniarily interested, directly or indirectly, in any contract let by the city, Board of School Trustees of the Independent School District of the City of Houston,

on any work done by the city or by the Board of School Trustees of the Independent School District of the City of Houston, nor in any matter wherein the rights or liabilities of the City of Houston are or may be involved; nor shall any member of the City Council, or any other officer of the city, be interested, directly or indirectly, in any public work or contract let, supervised or controlled, or which shall be paid for, wholly or in part, by the State of Texas, or any of the counties or municipalities therein, whether incorporated under general or special law.

In the event any such officer of the City of Houston shall become interested, directly or indirectly, in any contract or work, purchase or sale made by the City of Houston, then the said contract or work, purchase or sale, shall become null and void and shall be discontinued, and new arrangements shall be entered into as in case of the incipency of the contract or work, purchase or sale.

Any member of the City Council, or any officer or employee of the city, becoming interested, directly or indirectly, as aforesaid, in any contracts, work, purchase or sale, by or with any of the agencies aforesaid, shall forfeit all right or claim to the title and emoluments of any office which he may happen to hold in said city, and shall be expelled therefrom by the Mayor or City Council, or if they shall fail to remove said officer, employee or member of the City Council guilty as aforesaid, he shall nevertheless be subject to removal upon the action of any five citizens taken in one of the district courts of Harris County in such proceedings as are appropriate and proper, and shall in addition be guilty of misdemeanor or felony, as the case may be, as is or may be provided in the penal statutes of the State of Texas.

Sec. 5. Rules of the Council—The City Council shall determine its own rules of procedure, may punish its members for disorderly conduct, shall compel the attendance of members, and, with the concurrence of a majority of the members elected, may impeach a member. ✓

Any member of the City Council who shall have been convicted of bribery or who shall violate any of the provisions of this act shall forfeit his office and the emoluments attached thereto.

Sec. 6. Meetings of the Council—The City Council shall prescribe by ordinance the time and place of its meetings, and the manner in which special meetings thereof may be called.

A majority of the members of the Council shall constitute a quorum to do business; shall sit with open doors; shall keep a journal of its own proceedings, which shall be public and constitute one of the archives of the city.

The Council shall act only by ordinance, resolution or motion, and all ordinances, resolutions or motions, except ordinances making appropriations, shall be confined to one subject, which shall be clearly expressed in the title, and ordinances making appropriations shall be confined to the subject of appropriation.

The ayes and nays shall be taken upon the passage of all ordinances or resolutions and entered upon the journal of its proceedings, and every ordinance, resolution or motion shall require on final passage the affirmative votes of the majority of all the members of the City Council.

No ordinance or resolution shall be passed finally on the date it is introduced, except in the case of public emergencies, and then only when requested by the Mayor in writing; provided that no ordinance or resolution

making a grant of any franchise or special privilege shall ever be passed as an emergency measure.

Sec. 6a. Action of Council Creating Liability on City After Primary Elections Prohibited—From and after any primary election for nomination of Mayor and Aldermen, or Commissioners, to be voted on at any regular election, and until those elected at such election shall have qualified, if a majority of said Commissioners and Mayor be not renominated for re-election by the political party originally nominating them, it shall be unlawful for the then existing City Council to pass any ordinance, resolution or motion whereby any appropriation of money is made, or any obligation or contract on the part of the city is sought to be created; or any franchise or privilege is granted, or attempted to be conferred; and any such ordinance, resolution or motion, or any action of the City Council in the creation of any obligation, or the grant, or attempted grant, of any franchise by such Council shall be illegal, unauthorized and void, and of no effect; provided, nothing herein shall prevent the City Council from making any such appropriation and obligation on the part of the city, or granting any such franchise, if a majority of said Council is nominated for re-election; and, provided further, that nothing herein shall prevent the City Council of the City of Houston from making the necessary financial arrangements for paying the current salaries of the city officials and current expenses of the city government; provided, that the prohibitions hereof shall be suspended in case of a public calamity. (Added by amendment, 1913.)

Sec. 7. Vacancies—In case of the death, resignation, removal from the city, or disqualification arising from any cause, of any Alderman, his office shall thereupon become vacant and an election shall be ordered by the City Council to elect his successor. At least twenty days' notice of said election shall be given, by publication in some daily newspaper in the City of Houston, and said election shall be held pursuant to the provisions of this act, or as may be required by the laws of the State of Texas, when not in conflict with this act.

Sec. 8. The City Council shall, consistent with the provisions of this act, have power to establish any office that may in its opinion be necessary or expedient for the conduct of the city's business or government, and may fix its salary and define its duties; provided, however, that all offices established by the Council shall be subject to discontinuance or be abolished by the Council at any time, and any incumbent of any office, except the Controller, may be removed at any time by the Mayor, with or without the concurrence of the Council; and in no case shall any officer or employee of the city be entitled to receive any compensation or emolument of any office which may be abolished, or from which he may be removed, except for services rendered to the date when the office was abolished or the incumbent removed.

The Council shall require all officers of the city to give bond in such sum as may be prescribed by ordinance, which sum shall always be of sufficient amount amply to protect the city.

Sec. 9. The Mayor or the City Council, or a committee of the city duly authorized by it, may and it shall be their duty at any and all times to investigate each and every department of the city government and the official acts and conduct of the city officials; and for the purpose of ascertaining facts in connection with such investigation shall have power

to compel the attendance and testimony of witnesses; to administer oaths and to examine such persons as they may deem necessary and to compel the production of books and documents. Failure to appear by any one when served with notice to do so shall be a contempt, which may be punished by fine, and in default of the payment thereof within five days, the person so fined may be imprisoned. Wilful false swearing in such investigations and examinations shall be perjury and punishable as such.

Sec. 10. It shall be the duty of the City Council at its second meeting in April, or any time thereafter, of every year, to appropriate such sums of money respectively for each of the various departments of the city government as it may deem necessary for their maintenance during the current year. The current fiscal year shall begin on the first day of March of each year, and end on the last day of February next thereafter.

In addition to the departmental appropriations herein provided for, the Council shall also make such appropriations for contingent purposes as may be deemed necessary. The Council may also at the same or any subsequent time appropriate a sum not to exceed one thousand dollars (\$1,000.00) to be used by the Mayor as an emergency fund for any current year, and for which he shall not be required to account.

The appropriations herein provided for shall be based upon estimates submitted by the Mayor in his annual budget.

The head of each department created by the City Council shall make a written report to the Mayor, not later than the fifth day of March in each and every year, showing the operations of the department for the preceding year. These reports shall be transmitted to the Mayor, and shall accompany and be made a part of the Mayor's report to the City Council, which report shall be made not later than the fifteenth day of March of each year.

The Mayor shall also make such recommendations to the City Council concerning the increase or decrease of departmental estimates as in his judgment may best serve the interests of the city, and he shall also submit an estimate for a general contingent fund for the current year.

In making up the budget allowance for any current year, the City Council shall first make provision for the payment of the interest and the creation, setting aside and preservation of a legal sinking fund upon all of the outstanding bonded indebtedness of the city, and shall then make such appropriations as the remaining revenues of the city justify, to be apportioned among the respective departments, or otherwise appropriated for public uses, as to the Council may seem best; provided, however, that in no case shall the entire appropriation as made, which comprehends interest and sinking fund on the bonded debt, together with other public uses and purposes, ever exceed the estimated available resources, which shall be based upon the probable revenues of the city derived from ad valorem taxes upon the basis of the total valuation of the property for taxation for the preceding year, and of such other contingent revenues of the city as may probably accrue.

It shall be deemed a malfeasance for the City Council to make an appropriation in the budget the sum total of which shall exceed the estimated available or probable revenues for any current fiscal year.

Sec. 11. Business Sessions—For the purpose of conducting and transacting the ordinary business and administrative affairs of the city, the City Council shall be continuously in executive session, or open and ready

to be convened therefor at any time, and at such hours as the Mayor may designate, and it is hereby declared to be the duty of every member of the City Council to attend at all times the executive sessions which may be called by the Mayor, or in case of his failure to call the same, by a majority of the members of the City Council, whenever they deem it expedient to do so.

Sec. 12. Salary—The Aldermen shall each receive a salary of twenty-four hundred dollars (\$2,400.00) per annum, payable in equal monthly installments, and shall devote their entire time to the service of the city, and shall perform all of the duties required by this act, and such other administrative duties as may be allotted or designated by the Mayor from time to time.

The Council may remove at any time any Alderman by majority vote, for inattention to the affairs of the city, misconduct, or any grounds sufficient in judgment of the Council for removal.

ARTICLE VIIa.

Recall of Officers.

Section 1. Scope of Recall—The holder of any public office in the City of Houston, whether elected thereto by the people or appointed by the City Council, may be removed from office by recall.

Sec. 2. All petitions for recall of any officer of the City of Houston shall be instituted by filing with the City Secretary of a verified written petition requesting the removal of such officer, which said petition shall be signed by the qualified electors of the City of Houston, in number not less than 25 per cent of the total vote cast at the democratic primary for the nomination of Mayor and Commissioners next preceding the filing of said petition. The signers of said petition shall also set opposite their respective names the number of his residence, naming the street, and shall also state the day of the month and the year when such signature was affixed.

Sec. 3. Form of Petition—The form of petition above provided for shall be as follows:

To the Mayor and City Council of the City of Houston.

We, the undersigned hereto, who are qualified voters of the City of Houston, request the removal of.....from the office of..... (petition shall set forth distinctly and specifically grounds showing or tending to show some ground of incompetency or unfitness for or misconduct or malfeasance in the office, upon which the petition for removal is predicated, and if there be more than one ground, shall specifically state each ground with such certainty as to give the officer sought to be removed notice of the matters and things which he will be called to answer, and if the officer sought to be recalled was nominated at a primary the petition shall state that each signer participated in such primary). Said petition shall be signed by the requisite number of voters as provided by Section 2 of this Article. Each signature to said petition shall be proved or acknowledged as required of petitioners by Article IX, Section 3, of this charter, or shall be verified as follows:

State of Texas, County of Harris.—I,, being first duly sworn, on oath depose and say that I am one of the signers of the above

petition; that the statements made therein are true, and that each signature appearing thereto was made in my presence on the day and date it purports to have been made, and I solemnly swear that the same is a genuine signature of the person whose name it purports to be.

Sworn to and subscribed before me this.....day of....., 191..

Notary Public in and for Harris County, Texas.

Séc. 3a. Various Papers, Certifications, Filing—The petition may consist of one or more papers circulated separately, and the signatures thereto may be upon the paper or papers containing the formal petition, or upon other papers attached thereto; each signer of a petition shall sign his name in ink or indelible pencil. The verification may be made by one or more petitioners, and the several parts of the petition may be verified separately and by different persons, but no signature to such petition shall remain effective or be counted which was placed thereon more than thirty days prior to the filing of such petition or petitions with the City Secretary. All papers and documents comprising a single petition shall be filed with the Secretary on the same day, and the Secretary shall immediately notify in writing the officers sought to be removed.

Sec. 4. Objection to Petition—Within ten days after the filing of petition the incumbent whose removal is requested shall file with the City Secretary his objection in writing to the sufficiency of such petition, and he can not thereafter contest its sufficiency upon any objection not so filed. Within five days after exceptions have been filed, if the petition is filed to remove an appointee of the Council, then the City Council shall sit as a body to hear and determine the sufficiency of the objections, and the exceptions shall be sustained in the particulars in which the same are held to be sufficient and the signers of said petition may amend said petition to meet the requirements of the ruling of the Council, and if the said objections go to the form and manner of the charges preferred it shall be necessary for said petition to be recirculated and signed anew, but if the objections go to the number of the signers, or the genuineness of the signatures, or the fact of the party signing being a qualified voter, and are sustained, then said petition shall be dismissed and the parties may immediately reinstitute a petition to remove said party.

Any member or members of the City Council against whom a petition is directed shall not be eligible to act in the matter of the determination of the sufficiency of said objections, but the remainder of said Council, if constituting a majority, shall serve and act therein, and a majority of the votes of those members of the Council acting on the sufficiency of the petition shall control; provided, that should the petition be directed against a majority of the members of the City Council then same shall be presented to and acted upon by one of the district judges of Harris County, Texas, whose decision on the sufficiency of said petition shall be final, and who, if he shall sustain said petition, shall order the Council to call the recall election to be held as provided in Section 7 hereof. Any exceptions or objections to the sufficiency of the petition must be specific and definite, and no general objections will be entertained.

Sec. 5. The Certificate of the Secretary—Within ten days after the date of the filing of the petition the City Secretary shall certify to the

City Council the number of votes cast at the democratic primary for nomination of Mayor and Commissioners next preceding the filing of said petition, and shall certify the number of signers of said petition, and shall present such petition and certificate to the Council.

Sec. 6. Amendment of Petition—If the petition is insufficient in respect to the matters charged against the officer sought to be removed, it may be withdrawn by the person filing it, and amended as many times as desired within twenty days of the time when objections are sustained thereto. The duty of the Secretary shall be the same with respect to any amended petition as with the original petition.

Sec. 7. Calling of Election. Twenty-five Per Cent. of the Electors at Democratic Primaries in City Must Sign Petition—If the petition be signed as herein provided by qualified electors equal to 25 per cent of the total vote cast at the democratic primary for the nomination of Mayor and Commissioners, next preceding the filing of such petition, and if it set forth the grounds of objection as provided in Section 3 hereof and same is not declared insufficient upon objection thereto, as provided in Section 4 hereof, the Council within ten days after the final certification of the Secretary, unless the incumbent sought to be removed resigns within five days after such final certification, shall order a special election to be held on a day fixed in such order not less than forty days nor more than fifty days from the date of such final certification; provided, that if any municipal election is appointed to occur within ninety days from such final certification, the recall election shall not be held.

Sec. 8. Result of Election, Petition to Recall—If the person sought to be removed shall at said election be recalled, his tenure of office shall terminate upon the determination of the result of the election by the City Council, who shall examine, count and canvass the returns and declare the result as elsewhere provided in this Charter for other elections; and, if an appointed officer, his successor shall at once be appointed by the Mayor and City Council, as provided in this Charter, and if an elective officer, provision shall at once be made for the election of a successor to fill the vacancy, as elsewhere provided in this Charter.

Sec. 9. Qualification of Recalled Officers—Any officer removed from office by recall election, or who shall resign from said office pending recall proceedings against him, shall not be appointed or elected to any city office or appointment within two years after his removal or resignation.

Sec. 10. Joinder of Several Officers in One Petition—Two or more officers subject to recall, as provided for in this amendment, may be joined in one petition for removal, and one election may be held therefor.

Sec. 11. No petition for the recall of any officer shall be filed until eight months after the election or appointment and the qualification of such officer, nor shall there be more than one recall election in any one calendar year. (Added by amendment, 1913.)

ARTICLE VIIIb.

Legislation by the People—Initiative and Referendum.

Section 1. General Power—The people of Houston, in addition to the method of legislation hereinbefore provided, shall have the power of direct legislation by the initiative and referendum.

Sec. 2. The Initiative—The initiative shall be exercised in the following manner:

(a) **Petition**—A petition signed and verified in the manner and form required for recall petition in Article VIIa by qualified electors equal to 15 per cent of the total vote cast at the democratic primary for the nomination of Mayor and Commissioners, next preceding the filing of said petition, accompanied by the proposed legislation or measure in the form of a proposed ordinance or resolution, and requesting that such ordinance or resolution be submitted to a vote of the people, if not passed by the Council, shall be filed with the Secretary.

(b) **Secretary's Certificate**—Within five days after the filing of such petition the Secretary shall certify the number of votes cast at the democratic primary for nomination of Mayor and Commissioners, next preceding the filing of said petition, and the number of signers of such petition, and shall present said certificate, petition and proposed ordinance or resolution to the Council.

(c) **Action by the Council upon Petition**—If such petition be signed, as in the Charter provided, by qualified electors equal to 15 per cent of the total vote cast at the democratic primary for the nomination of Mayor and Commissioners next preceding the filing of such petition, the Council, within ten days after the receipt thereof, except as otherwise provided in this Charter, shall either pass such ordinance or resolution without alteration, or submit it to the popular vote at a special election, which must be held within thirty days after the date of the ordering thereof; provided, however, that if any other municipal election is to be held within sixty days after the filing of the petition said proposed ordinance or resolution shall be submitted without alteration to be voted upon at such election.

Sec. 3. Referendum—If prior to the date when an ordinance or resolution shall take effect, or within thirty days after the publication of same, a petition signed and verified, as required in Section 2-a hereof, by the qualified voters equal in number to 10 per centum of the total vote cast at the democratic primary for the nomination of Mayor and Commissioners next preceding the filing of said petition, as hereinbefore provided, shall be filed with the Secretary protesting against the enactment or enforcement of such ordinance or resolution, it shall be suspended from taking effect and no action theretofore taken under such ordinance or resolution shall be legal and valid. Immediately upon the filing of such petition the Secretary shall do all things required by Section 2-b of this Article. Thereupon the Council shall immediately reconsider such ordinance or resolution and, if it does not entirely repeal the same, shall submit it to popular vote at the next municipal election, or the Council may, in its discretion, call a special election for that purpose; and such ordinance or resolution shall not take effect unless a majority of the qualified electors voting thereon at such election shall vote in favor thereof.

Sec. 4. Submission by the Council—The Council, of its own motion, may submit to popular vote for adoption or rejection or repeal at any election any proposed ordinance or resolution or measure, in the same manner and with the same force and effect as provided in this Article for submission on petition.

Sec. 5. Form of Ballots—The ballots used when voting upon such

proposed and referred ordinances, resolutions or measures shall set forth their nature sufficiently to identify them, and shall also set forth upon separate lines the words "for the ordinance" and "against the ordinance," or "for the resolution" and "against the resolution."

Sec. 6. Publication of Ordinance, Etc. Notice of Election—The Secretary shall publish, at least once, every proposed or referred ordinance or resolution in some daily newspaper in the City of Houston, within fifteen days before the date of the election; and shall have such other notices, and do such other things relative to such election, as are required in general municipal elections, or by the ordinance calling said election.

Sec. 7. Adoption of Ordinance—If a majority of the qualified electors voting on any proposed ordinance or resolution or measure shall vote in favor thereof the same shall thereupon or at any time fixed therein become effective as a law or as a mandatory order to the Council.

Sec. 8. Inconsistent Ordinances—If the provisions of two or more proposed ordinances or resolutions approved at the same election are inconsistent, the ordinance or resolution receiving the highest number of votes shall prevail.

Sec. 9. Repeal or Amendment of Ordinances Passed by the People—No ordinance or resolution, which has been passed by the Council upon a petition, or adopted by popular vote, under the provisions of this Article, shall be repealed or amended, except by the Council in response to a referendum petition or by popular vote thereon.

Sec. 10. Number of Elections—There shall not be held under this Article more than one special election in any period of six months.

Sec. 11. Regulations by Council—The Council, by ordinance, may make other and further regulations for carrying out the provisions of this Article not inconsistent herewith.

Sec. 12. Nothing herein shall be construed to in any wise affect, impair or repeal Sections 17 and 18 of Article II or any other provision of the charter affecting the granting of franchises or privileges or the referendum thereon, but the same shall continue to remain in full force and effect as though this article had not been adopted. (Added by amendment, 1913.)

ARTICLE VIII.

City Controller.

Section 1. Controller. Manner of Election—There shall be elected at the regular election in April, A. D. 1915, and every two years thereafter, a Controller, who shall receive a salary of \$3,600.00 per annum, payable in equal monthly installments, and shall make a bond in the sum of \$10,000.00 conditioned as the Council may require, and who shall hold office for the term of two years, or until his successor is elected and qualified in the manner prescribed herein, and who shall not be removed from office except by impeachment proceedings as provided for in the case of the Mayor and City Commissioners, or by recall as herein provided for in this Charter; provided, that until the election and qualifica-

tion of a Controller to be elected in 1915, the office of Controller shall be subject to the appointment, removal and control of the City Council, and his salary shall be such as the City Council may fix. (As amended, 1913.)

Section 1. Manner of Election—The City Council shall at its first meeting in May, 1906, or as soon thereafter as it may be disposed to do so, and biennially thereafter, elect a Controller, who shall hold his office for two years or until his successor is elected and qualified in the manner prescribed above, and who shall not be removed except by impeachment proceedings of the City Council, at which proceedings he shall be given ample opportunity to be heard, and may be represented by counsel, with the right to summon witnesses and compel the production of books and papers upon process duly issued by the City Council.

It shall require a majority vote of all the members of the City Council, which shall be a matter of record, to impeach the Controller. (Amended; see next preceding section.)

Sec. 2. Duties of the Controller—It shall be the duty of the Controller to superintend and supervise the fiscal affairs of the City of Houston, and to manage and conduct the same as prescribed by this Charter and the ordinances of the City of Houston that are now or may be hereafter enacted, and said Controller shall prepare and publish in some newspaper in the City of Houston, not later than the 5th day of each month, a statement of the preceding month's expenses, which statement shall show the total amount paid in monthly salaries to all the employees in each department of the city, and shall also show the amount paid on the weekly pay roll to all persons working for the city by the week or day, and shall also show the cost of maintaining each department of the city government, and the total amount of each month's expenses so incurred; said statement shall also show the cost of improvement and extension work not properly classed as current expenses and not done under contract with outside parties, and shall show all other extraordinary expenditures, for interest on bonds, payments on bonds, etc., which statement shall be signed and sworn to by said Controller, and he shall permit any qualified elector at all reasonable hours to examine or inspect the books of the city, furnishing such party all reasonable assistance therein, and the Council shall pass suitable ordinances to enforce this section and provide suitable penalties. (As amended, 1913.)

Sec. 2. Duties of the Controller—It shall be the duty of the Controller to superintend and supervise the fiscal affairs of the city, and to manage and conduct the same as prescribed by this act. He shall give bond in such sum as may be fixed by ordinance, conditioned that he will faithfully and honestly perform and discharge the duties of the office as the same are herein defined, or as may be prescribed by ordinances not inconsistent with the provisions of this act. (Amended; see next preceding section.)

Sec. 3. Books of Account—It shall be the duty of the Controller to keep books of account of the City of Houston, and to make such financial reports and statements as are provided by the terms of this act. His books of account shall exhibit accurate and detailed statements of all moneys received and expended for account of the city by all city officials and other persons, and shall show in detail the property owned by the city and the income derived therefrom.

He shall also keep separate accounts of each and every appropriation made by the City Council, showing the date thereof and the purpose for which the same is made, and shall show for what each payment of any public money is made and the manner of making the same, and to whom same is made.

He shall keep a separate account with each department of the city government, and also such other accounts as may be necessary to show a complete financial statement of the city, and he shall be prepared at every regular meeting of the City Council to give such information concerning the finances of the city as the Council may require.

All warrants or orders for payment of any public fund or moneys for any purpose shall be signed by the Controller and the Mayor. No warrant not signed by the Controller shall be authority for the payment of any public funds whatever, but the Controller shall in no instance, unless the money is in the treasury and in the fund against which it is drawn, sign any warrant or order for the payment of any sum or amount for any purpose; provided, however, that nothing herein contained shall prevent the issue and sale of warrants to anticipate the current revenue for any one year, which said warrants shall bear such rate of interest, not exceeding five per cent, as the City Council by ordinance may prescribe.

He shall not sign any contract nor make or execute any warrant or order for the payment of any sum of money, unless the same be legal, and all prerequisites and requirements shall have been complied with, nor until after an appropriation has been duly and legally made therefor.

He shall, whenever deemed necessary, require all accounts presented to him for settlement or payment to be certified by affidavit, and he is hereby authorized to administer oaths, with authority to compel and require persons to answer such questions as may be propounded to them touching the correctness of any account or claim against the city. He shall require all persons who shall have received any moneys belonging to the city, and not having accounted therefor, to settle their accounts, and it is hereby made his duty from time to time to require all persons receiving moneys, or having the disposition or management of any property of the city of which an account is kept in his office, to render statements thereof to him; provided, that no warrant or order shall ever be issued in favor of any person or corporation, or to the assignee or agent of any person indebted in any manner for taxes or otherwise to the city, unless such debt so due and owing to the city be paid.

No disbursing officer of the city, nor any one having money in his possession for the account of the city, shall pay the same to any person or persons for the account of the city, except to the regularly designated officer or custodian of the public funds for the city, except upon draft or warrant countersigned by the Controller of the City of Houston, and signed by the Mayor; and the Controller shall not countersign any such draft or warrant until he has audited and examined the claim and found the same justly and legally due and payable, and that the payment has been legally authorized, and appropriation therefor made, and that the appropriation has not been exhausted.

Sec. 4. Annual Report—The City Controller shall, on or before the fifteenth day of March in each year, prepare and transmit to the City Council a report of the financial transactions of the city during the fiscal year ending the last day of February next preceding, and of its financial condition on the said last named day in February. The report shall contain an accurate statement in summarized form and also in detail of the financial receipts of the city from all sources and the expenditures of the city for all purposes, together with a detailed statement of the debt of said city, and the purposes for which said debt was

incurred, and of the property of said city, and of the accounts of the city with the grantees of franchises.

In addition to the annual statement herein required and of the reports which may be demanded by the Council at any time, it is especially made the duty of the Controller to be able to show at any time, and certainly upon or immediately after the first of each month, a comprehensive and accurate statement of the financial affairs of the City of Houston, and if any officer of any department or any employee of the city shall fail to make such stated or stipulated reports as and at the times required either by the Mayor or the City Council, it shall be the duty of the Controller to report such delinquency or failure to the Mayor, and further to state at any time any carelessness or negligence of any officer or employee in the making or stating of reports covering any matter within the range of the duty of said officer or employee.

Sec. 5. Right to Examine the Books of the Grantees of Public Franchises—The City of Houston shall have the right to regulate the rates, fares, tolls and charges to be collected from the public by the holders, owners, operators, persons or incorporations enjoying any grants or franchises from the City of Houston, pertaining to public utilities, including furnishing of lights, water, telephones and street car service, etc., pertaining to a public or quasi public duty, and the right and authority is hereby given to the Mayor or to the City Council to require the City Controller or such other officer or employee as may be designated, to examine, carefully inspect all of the books, accounts, papers and documents, as well as the property of such persons or corporations using and enjoying any of said grants or franchises from the City of Houston as above stated, and to make such reports of said examination as required by the Mayor or City Council, when deemed necessary, for the following purposes:

1. When such franchise or grant was made upon the consideration and agreement that the City of Houston should receive a per cent. or portion of the revenue derived from the use of said grant or franchise.

2. When the persons or corporations above referred to have listed their property for taxation at a valuation deemed by the City Council or the Mayor to be below its actual value, or fails to list the same for taxation.

3. When the City Council desires to fix the rates, fares, tolls and charges which said persons or corporations above described shall charge the public for water, lights, transportation or other services rendered or furnished under the franchises granted to it or them by the City of Houston, and the information is desired or deemed necessary by the Mayor or City Council as a basis upon which to fix a proper rate.

4. When the Mayor or City Council have directed the individuals or corporations above specified to extend their lines and service, or to improve their service in any manner necessary for the public comfort and convenience, or to make improvements and betterments of their property, and such persons or corporations demur thereto on the ground that the income from their property used under said franchise is not sufficient to justify the same.

Such examinations and reports provided for in this section are for the purpose of ascertaining the value of the property and the income derived from it, and the reasonable expense for its operation.

Sec. 6. Reports of Owners of Franchises—It is hereby made the duty of every person, firm or corporation, assignee, trustee or receiver, owning, operating or controlling any property under a franchise or grant from the City of Houston to make and submit to the City Council of the City of Houston, within 60 days after the first day of January of each and every year, an annual report in writing, verified under oath by such person, firm, or the president, treasurer, general manager, trustee, assignee or receiver of such corporations, which said report shall contain a complete statement of the financial condition of said person, firm or corporation, or assignee, trustee or receiver, including the authorized capital stock, the amount of stock issued and outstanding, the bonded indebtedness, if any, the indebtedness of any and all kinds, the assets of any and all kinds, including personal property and real estate, the earnings, gross and net, the operating and other expenses, and all such other detailed information as may be prescribed from time to time by the City Council by ordinance; and every such person, firm or corporation, assignee, trustee or receiver shall also be required, whenever requested by the City Council, within 30 days thereafter, to make such other and further reports and to give such other and further information as may be required by said City Council from time to time in regard to their said business.

Any such person, firm or corporation, assignee, trustee or receiver who shall fail or refuse to make the annual report herein provided for, or fail or refuse to furnish any such information as may be requested by the City Council as herein provided for, or make a report false in any material particular, or fail or refuse to permit the examination provided for in Section 5 of this Article, shall forfeit and pay to the City of Houston the sum of fifty dollars per day for each and every day during which he or it shall so fail or refuse to make and submit such annual report, or give such information as may be requested, or permit a report false in any material particular to remain on file uncorrected, or refuse to permit the examination provided for in Section 5 of this article, which said sum may be recovered by the City of Houston in any court of competent jurisdiction. That in addition to such penalty or penalties the City Council shall, in the event of a failure or refusal to make such annual report, or to give additional information, or to permit such examination, or to allow to remain on file a report false in any material particular, pass appropriate ordinances forfeiting the franchise of such person, firm, corporation, assignee, trustee or receiver.

That the City Council, in addition to the foregoing penalties provided for, may pass such ordinances as it may deem necessary to enforce the provisions of this section, and fix a penalty for the violation hereof in any sum not exceeding one hundred dollars, and provided that each and every day that such failure or refusal continues, or such false report is allowed to remain upon file, shall constitute a separate and distinct offense, and provide in such ordinances that the officers, servants and agents of any such person, firm or corporation, or assignee, trustee or receiver having the custody, management and control of said franchise and its books and property shall also be deemed the owners and operators and controllers of such franchise, and they, as well as such persons, firms or corporations, trustees, assignees or receivers, shall be guilty of violation of such penal ordinances as may be passed hereunder. (Added by amendment, 1913.)

ARTICLE IX.**General Provisions.**

Section 1. Actions by Citizens—Any citizen who is a property taxpayer of the City of Houston may maintain an action in the proper court to restrain the execution of any illegal, unauthorized or fraudulent contract or agreement on behalf of said city, and to restrain any disbursing officer of said city from paying any illegal, unauthorized or fraudulent bills, claims or demands against said city, or any salaries or compensation to any person in its administrative service whose appointment has not been made in pursuance of the provisions of law and the regulations in force thereunder. And in case any such illegal, unauthorized or fraudulent bills, claims or demands, or any such salary or compensation, shall have been paid, such citizen may maintain an action in the name of said city against the officer making such payment and the party receiving the same, or either, or both, to recover the amount so paid, and such amount, after deducting all expenses of the action, shall be paid into the city treasury; provided, however, that the court may require such citizen to give security to indemnify the city against costs of court, unless the court shall decide that there was reasonable cause for bringing the action. The right of any property taxpayer of the city to bring an action to restrain the payment of compensation to any person appointed to or holding any office, place or employment in violation of any of the provisions of this act, shall not be limited or denied by reason of the fact that said office, place or employment shall have been classified as, or determined to be, not subject to competitive examination; provided, however, that any judgment or injunction granted or made in any such action shall be prospective only, and shall not affect payments already made or due to such persons by the proper disbursing officers.

In case of any unsatisfied judgment, or any suit or process of law against said city, any five or more citizens who are freeholders of said city shall, upon petition, accompanied by affidavit that they believe that injustice will be done to said city in said suit or judgment, be permitted to intervene and inquire into the validity of said judgment, or defend said suit or action as fully and completely as the officers of said city would by law have the right to do.

Sec. 2. Elections—That in each voting precinct of the city, as the same may be legally defined, shall be established and arranged at least one voting place, and where two or more voting places are established they shall be so located as to be most convenient to the greatest number of voters, with a distinct set of election officers, ballot boxes and registration books for each voting place; provided, the voter shall vote in the district or precinct of his residence.

The City Council shall make all necessary regulations concerning elections; the manner and method of holding the same. Such regulations, however, shall be in keeping with the provisions of this act, and shall be in keeping with and consistent with the provisions of the State law applicable to elections in municipalities, in so far as the same may be practicable, and the City of Houston shall provide for the examination and counting of the returns of elections, declarations of the result thereof and the issuance of proper certificates to the successful candidates; and

it is hereby made the duty of the Council to examine and count the returns at its first regular meeting after the election shall be held, or if no regular meeting shall be held within one week after an election is held, it is hereby made the duty of the Mayor to call a special meeting of the Council for the purpose of counting the vote and determining the result of the election within one week after the election is held, and the officers declared to be elected at such election shall be entitled to qualify immediately after the declaration of the result of the election upon taking the oath of office prescribed by law.

The City Council may, consistent with the other provisions of this act, and conforming to all the provisions of the State law regulating primary elections in cities and towns, in so far as the same may be applicable, prescribe the manner and method of holding primary elections by all political parties or political organizations of any kind whatsoever, and to determine the rules that shall obtain with respect to the representation the respective parties or candidates may be entitled to at the polls; may prescribe an official ballot, official returns, etc., and the expense of all primary elections held for the purpose of nominating candidates of any political party or organization for city officers shall be borne and paid for by the City of Houston.

Sec. 3. Petitions—The petitions provided for in this act need not be on paper, and may be printed or written, but the signatures thereto must be the autograph signatures of the persons whose names purport to be signed. To each signature the house address of the signer must be added, and the signature must be made, acknowledged or proved before an officer authorized by law to take acknowledgments and proof of deeds. The certificate of such officer under his official seal that a signature was so made and acknowledged or proved shall be sufficient proof of the genuineness of the signature for the purposes of this act. The signing of another's name, or of a false or fictitious name, to a petition, or the signing of a certificate falsely stating either that a signature was made in presence of the officer or acknowledged or proved before him, shall be punishable as a forgery.

Sec. 4. Public Act—That this act shall be deemed a public act, and judicial notice shall be taken thereof in all courts.

Sec. 5. Existing Ordinances—All ordinances of the City of Houston, not inconsistent with the provisions of this Charter, shall remain in full force and effect until altered, amended or repealed by the City Council; provided, that the power to pass such ordinances under former charters has not been repealed expressly or impliedly by the terms of this act.

Sec. 6. The Present Officers—All elective officers elected at the last regular city election, except the Mayor, Aldermen and City Attorney, unless sooner removed by the Mayor or City Council for cause, shall retain their offices and receive the pay at present provided, until two years have expired from and after the date of their election and qualification in April, 1904.

All appointive officers, or all officers whose positions are created by charter or ordinance, not elected by the people, shall hold their offices and continue in the service of the city subject to the will and pleasure of the Mayor.

Sec. 7. Printed Ordinances as Evidence—All ordinances of the City of Houston published in book or pamphlet form, and purporting to be pub-

lished "By Authority of the City Council of the City of Houston," shall be received by all the courts of the State of Texas as prima facie evidence of the due passage and publication of such ordinances as appear therein; provided, that no person shall be precluded from showing by competent evidence that any ordinance published "By Authority of the City Council of the City of Houston," as aforesaid, is not a true copy of the original ordinance.

Sec. 8. City Not Required to Give Bond—It shall not be necessary in any action, suit or proceeding in which the City of Houston is a party for any bond, undertaking or security to be demanded or executed by or on behalf of said city in any of the State courts, but all such actions, suits, appeals or proceedings shall be conducted in the same manner as if such bond, undertaking or security had been given as required by law, and said city shall be just as liable as if security or bond had been duly executed.

Sec. 9. Public Property Exempt From Execution Sale—The property, real and personal, belonging to the City of Houston shall not be liable to be sold or appropriated under any writ of execution, nor shall the funds belonging to the city in the hands of any person be liable to garnishment, nor shall the city or any of its officers or agents be required to answer any writ of garnishment served upon or issued against it, and a failure to do so shall not entail any liability upon the city, but if the Mayor of the city elects so to do, he may answer in a writ of garnishment for the city, in his discretion.

Sec. 10. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant or a freeholder, or a taxpayer of the City of Houston, in any action or proceeding in which said city may be a party at interest, and all officers and employees of said city shall be exempt from jury service.

Sec. 11. Notice of Claim for Damages—Before the City of Houston shall be liable for damages for personal injuries of any kind, or for injuries to or destruction of property of any kind, the person injured, or the owner of the property injured or destroyed, or some one in his behalf, shall give the Mayor and City Council notice in writing of such injury or destruction, duly verified, within 90 days after the same has been sustained, stating in such written notice when, where and how the injury or destruction occurred, and the apparent extent thereof, the amount of damage sustained, the amount for which claimant will settle, the actual residence of the claimant by street and number at the date the claim is presented, and the actual residence of such claimant for six months immediately preceding the occurrence of such injuries or destruction, and the names and addresses of the witnesses upon whom he relies to establish his claim, and a failure to so notify the Mayor and City Council within the time and manner specified herein shall exonerate, excuse and exempt the city from any liability whatsoever, provided that nothing herein shall be construed to effect or repeal Section 12 of Article IX of this Charter. (As amended, 1913.)

Sec. 11. Before the City of Houston shall be liable for damages for personal injuries of any kind, the person injured or some one in his behalf shall give the Mayor or City Council notice in writing of such injury within ninety days after the same has been sustained, stating in such notice when, where and how the injury occurred, and the apparent extent thereof, and the failure to so notify the city within the time and manner specified herein shall exonerate, excuse and exempt the city from any liability whatsoever. (Amended; see next preceding section.)

Sec. 12. Liability and Negligence—The City of Houston shall not be liable to any person for damages caused from streets, ways, crossings, bridges, culverts or sidewalks being out of repair from negligence of said corporation unless the same shall have remained so for ten days after special notice in writing given to the Mayor or City Council.

Sec. 13. Pleading Ordinances—It shall be sufficient in all judicial proceedings to plead any ordinance of the city by caption, without embodying the entire ordinance in the pleading, and all printed ordinances or codes of ordinances shall be admitted in evidence in any suit, and shall have the same force and effect as the original ordinance. Certified copies of ordinances may also be used in evidence.

Sec. 14. This act must be deemed a public act and judicial notice shall be taken thereof in all courts.

Sec. 15. Ownership and Regulation of Public Utilities—The right is hereby granted to the City of Houston to acquire its public utilities, such as gas, water and electric light works, and underground, surface and elevated street railways, subways, or underground conduit systems for electric light, power, telephone, telegraph and other wires used for the purpose of transmitting any electric service. That such utilities may be purchased by a payment in cash of twenty-five per cent of such price, the balance in annual installments, including interest, to be paid out of the revenues of such utility, and that such works so purchased shall stand pledged as security for the payment of the amount due thereon, but that no judgment shall be rendered against the city upon any deferred note, requiring the city to pay any specified sum of money, but said judgment shall be merely one of foreclosure, divesting and depriving the city of the possession of the property so purchased but not paid for, in which event the city shall forfeit and lose only the cash payment of twenty-five per cent of the agreed price, without liability or judgment in any sum for the unpaid purchase price; provided, that no purchase or expenditure shall be made under this section unless the same shall first have been submitted to the vote of the qualified tax-paying voters at an election to be held exclusively for that purpose.

And the right is hereby expressly granted to the City of Houston to regulate all public utilities in said city and to require efficiency of public service, and to require all persons or corporations to discharge the duties and undertakings for the performance of which the respective franchises were made.

Sec. 16. Improvement Districts—The City Council may, and upon petition shall, divide the city or any portion of the corporate territory thereof, into "Improvement Districts," clearly defining the limits and boundaries of each district; and shall have the right, and is hereby authorized to borrow money on the credit of any improvement district so created in the city, and issue bonds therefor for the purpose of constructing and laying permanent sidewalk improvements, or permanent street paving improvements, or both, in such district, but every proposition to borrow money on the credit of any improvement district for permanent sidewalk improvements or street improvements, or both, therein shall be submitted to the qualified tax-paying voters living within and owning property in such district, and shall distinctly specify the purpose for which the loan is desired, and the permanent sidewalk or street improvements, one or both, proposed to be constructed. If said proposition be sustained by a majority

of the votes cast in such election in such district, such loan shall be lawful. All bonds shall specify for what purpose they are issued, shall bear interest at a rate not greater than 6 per cent per annum, and, when sold, shall net not less than par value, with accrued interest to date of payment of the proceeds into the city treasury, and such bonds may be negotiated in lots, as the City Council may direct. No debts shall be contracted for the payment whereof such bonds are issued until such bonds shall have been disposed of, and no debts shall ever be created against any such improvement district, unless at the same time provision be made to assess and collect annually upon the property in such improvement district a sum sufficient to pay the interest on such bonds and create a sinking fund of at least two per cent thereon; or if a certain portion of said bonds are payable each year, then a sufficient amount shall be assessed and collected to pay each of said bonds as they mature and pay the interest on all unpaid bonds. The interest and sinking fund shall be kept separate by the city from other funds, and shall not be diverted or used for any other purpose than to pay interest and principal on such bonds, and the City Controller shall sign no draft or warrant on said fund, except to pay the interest and redeem the bonds for which it was provided. The sinking fund for such bonds shall be invested as provided in Section 1, Article IV, of this Charter, or in bonds of such improvement district; provided, however, that all property situated within any improvement district which may be created under the authority of this section shall participate to its full extent in, and be equally improved in its just proportion by said sidewalk or street improvements. (As amended, 1913.)

Sec. 16. Improvement Districts—The City Council may and upon petition shall, divide the city or any portion of the corporate territory thereof, into "Improvement Districts," clearly defining the limits and boundaries of each district; and shall have the right and is hereby authorized to borrow money on the credit of any improvement district so created in the city, and issue bonds therefor for the purpose of constructing and laying permanent sidewalk improvement in such district, but every proposition to borrow money on the credit of any improvement district for permanent sidewalk improvements therein shall be submitted to the qualified tax-paying voters living within and owning property in such district, and shall distinctly specify the purpose for which the loan is desired, and the permanent sidewalk improvements proposed to be constructed. If said proposition be sustained by a majority of the votes cast in such election in such district, such loan shall be lawful. All bonds shall specify for what purposes they are issued, shall bear interest at a rate not greater than five per cent per annum, and, when sold, shall net not less than par value, with accrued interest to date of payment of the proceeds into the city treasury, and such bonds may be negotiated in lots, as the City Council may direct. No debts shall be contracted for the payment whereof such bonds are issued until such bonds shall have been disposed of, and no debts shall ever be created against any such improvement district, unless at the same time provision be made to assess and collect annually upon the property in such improvement district a sum sufficient to pay the interest on such bonds and create a sinking fund of at least two per cent thereon. The interest and sinking fund tax which shall be collected annually from the property in such improvement district for such bonds shall be in addition to the other current taxes, levied by the city, never exceed twenty-five cents on the one hundred dollars appraised valuation of property in said district, and shall be kept separate by the city from other funds, and shall not be diverted or used for any other purpose than to pay interest and principal on such bonds, and the City Controller shall sign no draft or warrant on said fund, except to pay the interest and redeem the bonds for which it was provided. The sinking fund for such bonds shall be invested as provided in Section 1, Article IV of this Charter, or in bonds of such improvement district. The tax levied for interest and sinking fund for bonds issued for permanent sidewalk improvements in any district shall not exceed twenty-five cents on the one hundred dollars valuation annually; provided, however, that all property situated within any improvement district which may be created under the authority of this section shall participate to its fullest extent in, and be equally improved in its just proportion by said sidewalk improvements. (Amended; see next preceding section.)

Sec. 17. Elections—The present Mayor and members of the City Council, elected in 1913, shall continue to serve and receive the pay provided for at the time of their election, until the next city election, and until the qualification of the officers elected at said election, and shall exercise all the powers and be subject to the limitations in this Charter contained.

There shall be held on the second Monday in April, 1915, and every two years thereafter, until otherwise provided by law, a regular election for Mayor and four Aldermen, or Commissioners, and a Controller in the City of Houston, who shall perform the duties and discharge the obligations conferred and imposed by the provisions of this act, who shall hold their offices for two years, or until their successors are elected and qualified, unless removed therefrom by impeachment or recall or otherwise as provided in this Charter. (As amended, 1913.)

Sec. 17. The present Mayor, City Attorney and members of the City Council, as composed under the Charter of 1903, shall continue to serve and receive the pay provided for at the time of their election, until the next city election held as hereinafter provided in this act, and until the qualification of the officers elected at said election, and shall temporarily exercise the powers and be subject to the limitations in this Charter contained. All other elective officers elected at the last city election, unless sooner removed for cause, shall retain their offices and receive the pay at present provided for said officers, until the expiration of two years from and after their election and qualification in April, 1904.

It shall be the duty of the Mayor within forty days after this act becomes a law, or as soon thereafter as practicable, to order an election by giving twenty days' notice thereof, at which election a Mayor and four Aldermen shall be elected at large in said city; or if for any reason the Mayor fails to make said call for said election within a reasonable time it shall be the duty of the City Council, by a majority vote thereof, to issue said call for said election by giving twenty days' notice thereof. Said election shall be held as provided for herein, and the Mayor and four Aldermen so elected at said election shall hold their respective offices until the second Monday in April, 1907, or until their successors are elected and qualified.

There shall be held on the second Monday in April, 1907, and every two years thereafter, until otherwise provided by law, a regular election for a Mayor and four Aldermen in the City of Houston, who shall perform the duties and discharge the obligations conferred and imposed by the provisions of this act, and who shall hold their offices for two years, or until their successors are elected and qualified. (Amended; see next preceding section.)

Sec. 17a. Vacancies—In case of any vacancy in any elective office from recall, resignation, death or other cause, it shall be the duty of the City Council to provide for and order a special election to fill such vacancy in office, at such time as it may deem expedient, not to be held later than 60 days after such vacancy occurs, notice of which shall be given by publication for at least 20 days as required by law; provided, that the office of Controller shall not be considered elective until the first Monday in April, A. D. 1915; and, provided, that other provisions in this Charter with reference to elections to fill vacancies in office in conflict herewith are hereby repealed. (Added by amendment, 1913.)

Sec. 17b. Publication of Ordinances and Resolutions—The City Secretary shall give notice of the passage of all ordinances and resolutions, except those granting franchises (which shall be published as now provided by the Charter), by causing to be published in some daily newspaper in the City of Houston at least once within 10 days after their passage and approval, the caption or title of such ordinances and resolutions, and such ordinance or resolution shall take effect and be in full force and effect from and after its passage and approval, unless otherwise provided therein; provided, that all such resolutions and ordinances shall be subject to the provisions of this Charter for a referendum, and any action

taken by authority of same shall be and become null and void should a referendum petition be filed on such ordinance or resolution as provided in Article VIIb of this Charter. (Added by amendment, 1913.)

Sec. 18. Be it further enacted, that all laws and parts of laws in conflict herewith, be and the same are hereby repealed; and that all previous special acts granting or amending charters of the City of Houston, be especially repealed.

Sec. 19. Effect of Adopting Inconsistent Amendments—Any amendment to the Charter of the City of Houston which may be adopted which is inconsistent with any existing provision of the City Charter shall by such adoption repeal such inconsistent provision, and at any election for the adoption of amendments if the provisions of two or more proposed amendments approved at said election are inconsistent the amendment receiving the highest number of votes shall prevail. (Added by amendment, 1913.)

INDEX TO CHARTER

A

	Art.	Sec.	Page
ABATTOIRS—			
City may own, conduct, etc.....	2	7a	14
City may establish, lease, etc.....	2	10	16
ACCOUNTS—			
See Controller.			
How kept	8	3	66
Right of Council or Mayor to investigate.....	7	9	59
ACTIONS BY CITIZENS—			
Property taxpayer may restrain execution of illegal or fraudulent contract on behalf of city.....	9	1	70
Property taxpayer may maintain other suits.....	9	1	70
Five freeholders may intervene in court to defend suit wherein City a party.....	9	1	70
ACTIONS AGAINST CITY—			
City must have notice in writing within 90 days of claim for damages before liable.....	9	11	72
Notice must show.....	9	11	72
City must have 10 days' notice in writing to Mayor or City Council before liability for damages caused from streets, sidewalks, etc., being out of repair.....	9	12	73
ADDITIONS—			
See Subdivisions.			
ADVERTISING—			
See Contracts; Controller; Ordinances; Franchises.			
AGENT, STATE—			
City Agent, State.....	4	3	38
ALDERMEN—			
See City Council; Officers.			
ALLEYS—			
See Streets, etc.			
AMENDMENTS—			
In case of two inconsistent Amendments to this Charter, one receiving highest number of votes prevails..	9	19	76
AMUSEMENTS—			
City may establish, own, equip, maintain, conduct and operate a great variety of amusements, etc.....	2	7a	14
City may permit, regulate or forbid theatres, etc.....	2	16	21
ANIMALS—			
City may restrain from running at large, horses, mules, cattle, sheep, swine, goats, geese, pigeons.....	2	16	22
City may distrain, impound and sell.....	2	16	22
City may impose fine on owners for permitting to run at large	2	16	22
City may regulate and control the driving of cattle, horses and all other animals.....	2	16	22
City may tax, regulate, restrain and prohibit dogs running at large.....	2	16	22
City may authorize the destruction of dogs.....	2	16	22
City may impose penalties on the owners of dogs.....	2	16	22
City may provide for inspection of milch cattle.....	2	16	22
City may pass ordinances preventing the bringing of dead carcasses within its limits.....	2	15	20
ANNEXATIONS—			
See Boundaries.			
ANNUAL REPORTS—			
See Franchises.			
Heads of Departments to make Annual Report to Mayor prior to March 5th.....	7	10	60

	Art.	Sec.	Page
ANNUAL REPORTS—(Continued)—			
Reports of Heads of Departments to be made part of Mayor's Report to City Council.....	7	10	60
Mayor required to file.....	7	10	60
Controller to file.....	8	4	67
ANTICIPATION WARRANTS—			
Issue and sale, bearing not exceeding 5% interest not prevented by Charter.....	8	3	67
APPOINTIVE OFFICERS—			
Mayor to appoint, subject to confirmation by Council..	5	2	49
APPROPRIATIONS—			
No contract to be entered into until after appropriation made	2	19	25
No contract to be entered into in excess appropriation..	2	19	25
Certificate of Controller prerequisite to Ordinance, etc., appropriating money	2	19a	25
Where majority of Aldermen and Mayor not renominated, cannot make appropriation before qualification of successors.....	7	6a	59
Departmental appropriations to be made, when.....	7	10	60
To be based on estimates of Mayor's Budget.....	7	10	60
Prior to other appropriations, provision must be made for payment of interest and creation of sinking fund upon bonded indebtedness.....	7	10	60
Must not exceed available resources.....	7	10	60
Appropriation in Budget in excess of estimated available resources or probable revenues a malfeasance..	7	10	60
Controller shall keep account of.....	8	3	66
Controller shall not sign contract or warrant until after appropriation	8	3	67
ASSESSMENTS—			
See Taxes and Taxation; Street Improvements; Public Improvements; Condemnation.			
ASSESSOR—			
See Taxes and Taxation.			
ATTORNEY, CITY—			
City Attorney, or other officer designated by Council, to represent City in tax suits.....	3	8	31
Five per cent attorney's fees to be taxed as costs.....	3	8	31
AUDITOR—			
See Controller.			
AUTOMOBILES—			
City may regulate use and speed of automobiles.....	2	16	22
B			
BAKERIES—			
City may establish, own, equip, operate, etc.....	2	7a	14
City may regulate and provide weights of bread, etc...	2	16	22
BALLOTS—			
See Primary Elections; Initiative and Referendum.			
BATHS—			
City may establish, maintain, etc.....	2	7a	14
BAWDY HOUSES—			
City may prohibit, punish, regulate, colonize, segregate	2	16	21
BELT AND TERMINAL RAILWAY—			
City may establish, own, equip, maintain, etc.....	2	7a	14
BIDS—			
See Contracts.			
BOARD OF APPRAISEMENT—			
Composed of	3	15	36
How created	3	15	36
Shall be standing committee on taxes.....	3	15	36
Right of appeal from decision of Board.....	3	15	36
Must conclude labors and file report not later than June 15th	3	15	36
Must mail notice to property owner.....	3	15	36
BONDS, CONTRACTORS'—			
See Street Improvements.			

	Art.	Sec.	Page
BONDS, MUNICIPAL—			
See Sinking Fund; Interest.			
Council may issue \$100,000.00 for permanent improve- ments each year.....	4	1	37
May issue refunding bonds.....	4	1	37
In excess of \$100,000.00 must be submitted to qualified tax paying voters.....	4	1	37
Must not draw exceeding 5% interest.....	4	1	37
Must provide for sinking fund and interest.....	4	1	37
Officer diverting fund, guilty of felony.....	4	1	37
May issue bonds on credit of "Improvement Districts"	9	16	73
BONDS, OFFICIAL—			
Council shall require all officers to give.....	7	8	59
Controller must give \$10,000.00.....	8	1	65
BOUNDARIES—			
See Buffalo Bayou.			
Establishing City limits.....	1	2	7
Extension on petition by voters of adjoining territory..	1	2a	8
Extension by City Council.....	1	2b	9
BORROW MONEY—			
See Anticipation Warrants; Bonds, Municipal.			
May borrow money on credit of Improvement Districts	9	16	78
BUDGET, ANNUAL—			
Mayor must submit to Council.....	6	8	56
Appropriations must be based upon.....	7	10	60
In allowing, must first provide for interest and sinking fund	7	10	60
Malfeasance to exceed revenues in Budget adopted.....	7	10	60
BUFFALO BAYOU—			
See Harbor and Water Front.			
City may preserve and improve purity of water.....	2	15	20
City has jurisdiction beyond limits for this purpose....	2	15	20
May condemn for this purpose.....	2	15	20
May prevent discharge by manufactories of refuse in..	2	15	20
City may secure land for improvement of by condemna- tion, etc.	4	2	38
BURIAL GROUNDS—			
See Cemeteries, etc.			
BUTCHERS—			
Council may regulate.....	2	15	19
C			
CATTLE—			
See Animals.			
CEMETERIES AND CREMATORIES—			
City may establish, operate, etc.....	2	7a	14
City has power to regulate, etc.....	2	15	19
City may close.....	2	15	19
City may condemn land of for other municipal purposes	2	15	19
CERTIFICATES—			
See Controller; Public Improvements; Street Improve- ments; Condemnation; Recall of Officers.			
CHARITIES AND CORRECTION—			
City may establish, regulate and maintain certain....	2	11	16
City may operate, etc., infirmaries, etc.....	2	7a	14
CITY COUNCIL—			
See Bonds, Municipal; Boundaries; Buffalo Bayou; Civil Service; Condemnation; Contracts; Franchises; Initia- tive and Referendum; Primary Elections; Public Improvements; Recall of Officers; Railways; Street Improvements; Street Railways; Taxes and Taxation.			
How composed	7	1	57
Rules of	7	5	57
May remove Aldermen.....	7	12	61
Judges of election of members.....	7	3	57
Meetings of	7	6	58
Quorum of	7	6	58
Shall be in continuous session.....	7	11	60
Shall sit with open doors.....	7	6	58
Can act only by ordinance, resolution or motion.....	7	6	58
Ayes and nays shall be recorded.....	7	6	58
May establish municipal office and appoint official and fix salary	7	8	59

CITY COUNCIL—(Continued)—	Art.	Sec.	Page
Shall require Officers to give bond.....	7	8	59
Shall investigate all Departments of City and have power to compel witnesses to produce books and testify	7	9	59
Shall make appropriations for various Departments in April each year.....	7	10	60
Shall make appropriations for contingent purposes....	7	10	60
Shall create sinking fund and interest fund.....	7	10	60
Shall not exceed estimated available resources.....	7	10	60
Majority vote required to impeach Controller.....	8	1	65
Shall canvass election returns.....	9	2	70
Shall prescribe manner of holding primary elections..	9	2	70
To regulate butchers, and the selling of vegetables, fish, etc.	2	15	19
May require foodstuffs to be inspected and condemned	2	15	19
May regulate removal of night soil.....	2	15	19
Penalties for failure to remove night soil.....	2	15	20
To provide for destruction of unwholesome matter....	2	15	20
To require owners to remove dead animals.....	2	15	20
To regulate burial grounds, crematories, etc.....	2	15	19
May commute fines by labor in work house or rock pile	2	12	17
May establish and regulate charities and corrections..	2	11	16
To provide for destruction of infected clothing, bedding, etc.	2	15	20
To improve and preserve purity of water in Buffalo Bayou	2	15	20
To establish and maintain Police Department.....	2	16	21
To regulate theatres, dance houses, etc.....	2	16	21
To regulate saloons and close variety theatres.....	2	16	21
To prohibit bawdy houses and suppress assignation houses	2	16	21
To inspect weights and measures.....	2	16	21
To regulate draymen, hack drivers, baggage wagons, and to preserve order at depots.....	2	16	21
To establish maximum rates of hacks and public conveyances	2	16	21
To fix public stands for hacks, drays, etc.....	2	16	21
To suppress gambling houses and selling of lottery tickets	2	16	21
To regulate bakeries and prescribe weight and price of bread	2	16	22
To provide for inspection of milch cattle.....	2	16	22
To establish pounds and prohibit running at large of stock	2	16	22
To tax dogs.....	2	16	22
To prohibit rolling of hoops, flying of kites, and firing of fire-crackers	2	16	22
To prohibit ringing of bells or noises on streets.....	2	16	22
To require street railways to issue transfers.....	2	5	12
To fix and regulate price of water, etc.....	2	6	13
To prohibit soliciting of alms.....	2	16	22
To prohibit blowing of whistles and regulate speed of railway engines	2	16	22
To regulate driving of cattle through city.....	2	16	22
To prevent trespass and breach of the peace.....	2	16	22
To prevent immoral theatres.....	2	16	22
To require abandoned railway tracks to be removed...	2	16	22
To prohibit horse racing and immoderate driving.....	2	16	22
To regulate automobiles.....	2	16	22
To prohibit abuse of animals.....	2	16	23
To compel hitching of animals.....	2	16	23
To restrain vagrants, prostitutes, etc.....	2	16	23
To regulate sale of cocaine, morphine, etc.....	2	16	23
To grant franchises.....	2	17	23
May inspect books of corporations holding franchises..	2	17	23
May examine books of grantees of franchises for purpose of fixing rates.....	8	5	68
May grant sidetrack and switching privileges to industrial plants	2	18	24
May license and tax peddlers, auctioneers, theatres, exhibitions, circuses, billiard tables, ten pin alleys, public carriers, dram shops, etc.....	3	7	29
Duty to institute suit for back taxes, one year after Charter becomes effective.....	3	8	30
Shall fine person employed for collection of taxes for neglect of duty.....	3	8	30

Index to Charter

v

CITY COUNCIL—(Continued)—

	Art.	Sec.	Page
May receive payment of taxes in advance and allow interest	3	13	35
Authority to issue bonds, purpose of issue and amount	4	1	37
To provide for sinking fund and payment of bonds....	4	1	37
Shall require fees of Corporation Court to be paid to City	4	3	38
May require street cars to be vestibuled.....	4	5	39
May require street cars to be equipped with fenders...	4	5	39
May require closed cars during December, January and February	4	5	39
Shall fix compensation of appointed officers.....	5	1	48
May remove appointive officers.....	5	2	49
May overrule veto of Mayor.....	6	6	56
Buying and selling electricity.....	2	7b	15
After primary election, shall not contract, etc., except..	7	6a	59
Vacancies in office.....	7	7	59
Election for members every two years.....	9	17	75

CITY ENGINEER—

Owners of property subdivided must file plat.....	1	3	9
Shall file specification of street improvements.....	4a	6	42
Shall file statement after contract for street improvements executed	4a	7	43

CITY LIMITS—

See Boundaries.

CITY OF HOUSTON—

See Annual Reports; Appointive Officers; Appropriations; Bonds, Contractors'; Bonds, Municipal; Bonds, Official; Budget; Buffalo Bayou; Civil Service; Condemnation; Contracts; Controller; Conveyances; Franchises; Harbor and Water Front; Health; Improvement Districts; Initiative and Referendum; Inspection; Officers; Ordinances; Public Utilities; Railways; Schools; Street Improvements; Street Railroads; Taxes and Taxation.

Corporate name	1	1	7
Boundaries	1	2	7
Boundaries, extension on petition.....	1	2a	8
Boundaries, extension by Council.....	1	2b	9
Platting property	1	3	9
Corporate powers	2	1	9
General powers	2	2	9
Real estate owned by.....	2	3	10
Street powers	2	4	11
Power to improve by condemnation.....	2	4a	11
Power to regulate railways, etc.....	2	5	11
Power to provide for interchange of service or common use of tracks, poles, etc.....	2	5a	12
Power to regulate and fix rates of public utilities.....	2	6	13
Power to prescribe service and extension of public utility concerns	2	6a	13
Power to own waterworks, etc.....	2	7	14
Power to own other public utilities, etc.....	2	7a	14
Power to buy and sell electricity, etc.....	2	7b	15
Power to provide for protection against fires.....	2	8	15
Power over harbor and water front.....	2	9	16
Power to establish, etc., markets, etc.....	2	9	16
Power to establish, maintain, etc., charities, etc.....	2	11	16
An independent school district.....	2	14	17
May improve and preserve purity of water in Buffalo Bayou	2	15	20
Power to pass ordinances to preserve peace and good order	2	16	21
Granting of franchises, etc.....	2	17	23
Contracts	2	19	25
Issuance of bonds.....	4	1	37
Power over Buffalo Bayou.....	4	2	38
Local agent for State within limits.....	4	3	38
May compel construction of sidewalks.....	4	4	38
Business affairs to be conducted by Mayor and four Aldermen	5	1	48
Compensation of employees of.....	5	4	49
Mayor to be Chief Executive.....	6	1	55
City Council shall consist of Mayor and four Aldermen	7	1	57
Officers shall not be interested in contracts, etc.....	7	4	57

	Art.	Sec.	Page
CITY OF HOUSTON—(Continued)—			
No liability can be fixed against, after primary election, except	7	6a	59
Has right to examine books of grantees of franchises..	8	5	68
Citizens may maintain action in behalf of, etc.....	9	1	70
Not required to give bond.....	9	8	72
Property of exempt from forced sale.....	9	9	72
Not liable to garnishment.....	9	9	72
Notice of claim for damages prerequisite to suit.....	9	11	72
Written notice of disrepair of streets, etc., necessary before liability	9	12	73
Right to regulate and acquire public utilities.....	9	15	73
May become contractor on public improvements or work	2	7a	14
CIVIL SERVICE—			
Creation of Civil Service Commission.....	5a	1	53
Rules and powers of Commission.....	5a	2	53
Shall provide for classification of employees and officers	5a	2	53
Those not under.....	5a	2	53
Commission shall provide for competitive, etc., examinations	5a	2	53
Employees already employed.....	5a	2	54
Council can confer additional rights, etc.....	5a	2	54
Removal of employees.....	5a	3	54
Commission, with approval of Council, may make rules, etc.	5a	4	54
CLAIMS AND DEMANDS—			
City not liable for damages for personal injuries or injuries to property, unless notice in writing be given Mayor and City Council within 90 days.....	9	11	72
Requisites of notice.....	9	11	72
City not liable for damages caused from streets, etc., being out of repair from negligence, unless same so remains for 10 days after notice in writing to Mayor or Council	9	12	73
COCAINE—			
May control and regulate sale, etc., of cocaine, etc....	2	16	23
COMMON USE OF POLES, TRACKS, ETC.—			
See Interchange of Service.			
CONDEMNATION—			
City may condemn property for public use.....	2	1	9
Condemnation proceedings same as for right of way by railroad companies	2	1	9
City may condemn for certain purposes and assess property specially benefited.....	2	4a	11
May also make charge a personal one against owner...	2	4a	11
Method of procedure.....	2	4a	11
City may be required to pay as much as one-third cost	2	4a	11
City may issue assignable certificates against owner...	2	4a	11
City may buy, establish, own, equip, maintain, operate and conduct certain public utilities, etc.....	2	7a	14
City may condemn land between Houston and Harrisburg, on Bayou.....	4	2	38
CONTRACTORS—			
Paving, to file price lists, etc.....	4a	4a	40
City may become contractor on street improvements...	2	7a	14
CONTRACTS—			
See Controller; Street Improvements; Franchises.			
City cannot contract to pay for personal services for stated period	2	19	25
For supplies for current use for longer period than 90 days, not to be made.....	2	19	25
As far as practicable, purchases shall be made on competing prices	2	19	25
Until appropriation made, contract shall not be entered into	2	19	25
Before binding, must be signed by Mayor and countersigned by Controller, and expense charged to appropriation	2	19	25
Contracts for public improvements, etc., costing \$1,000.00 to be based on specifications, and bids advertised for, etc.....	2	19	25
Council to determine most advantageous bid.....	2	19	25
No officer shall be interested in contract with City....	7	4	57
Void if officer interested, directly or indirectly.....	7	4	58

CONTRACTS—(Continued)—	Art.	Sec.	Page
Made after primary, void under certain conditions....	7	6a	59
Fraudulent contract may be restrained by taxpaying citizen	5	1	70
CONTROLLER—			
See Bonds, Municipal; Contracts; Warrants.			
Must countersign contracts and charge expense to appropriation	2	19	25
Certificate of, prerequisite to Ordinance, etc., appropriating money	2	19a	25
Manner of election, salary, bond, etc.....	8	1	65
Duties of,	8	2	66
Shall keep books of account.....	8	3	66
Shall keep separate accounts of each and every appropriation	8	3	66
Shall keep separate account with each Department....	8	3	67
Warrants, etc., shall be signed by.....	8	3	67
Shall not sign contracts, etc., unless legal.....	8	3	67
May require affidavits to all accounts.....	8	3	67
Shall require persons having money belonging to the City to pay same before issuing warrant to them for money owing them by the City.....	8	3	67
Shall not countersign drafts, etc., without auditing, etc.	8	3	67
Shall make annual report before March 15.....	8	4	67
Right to examine books of grantees of franchises.....	8	5	68
To be elected in 1915.....	9	17	75
CONVEYANCES—			
City may sell real or personal property.....	2	1	9
CORPORATE NAME—			
City of Houston.....	1	1	7
CORPORATE POWERS—			
See City Council; City of Houston, and references thereunder.			
CORPORATION COURT—			
Powers and duties of.....	2	13	17
Appointment and term of Judge.....	2	13	17
Clerk—How appointed	2	13	17
Duties of Clerk.....	2	13	17
Rewards and fees of officers payable to City.....	4	3	38
Disability or absence of Judge.....	6	7	56
There may be Deputy Clerks.....	2	13	17
CREMATORIES—			
See Cemeteries.			
D			
DAMAGES, CLAIMS AND LIABILITIES FOR—			
See Claims and Demands.			
DANCE HALLS—			
City may forbid or regulate.....	2	16	21
DAY'S WORK—			
Legal day's work for laborers, workmen and mechanics working for City, etc.....	2	15a	20
DEEDS—			
See Conveyances.			
DEPARTMENTS—			
City Council shall appropriate money for.....	7	10	60
Heads of shall make reports.....	7	10	60
DEPOTS, UNION—			
City may establish, etc.....	2	7a	14
DEPOTS—			
City may, by Ordinance, preserve order, etc., around...	2	16	21
DOCKS, ETC.—			
See Harbor and Water Front; Wharves and Docks.			
DOGS—			
May tax and restrain dogs and authorize their destruction	2	16	21
DRAYS—			
May regulate, etc.....	2	16	21

	Art.	Sec.	Page
E			
EDUCATION—			
See Schools.			
ELECTIONS—			
See City Council; Bonds, Municipal; Franchises; Initiative and Referendum; Officers; Primary Elections; Recall of Officers.			
Voting places	9	2	70
Regulation of, etc.....	9	2	70
May prescribe manner of holding primary elections...	9	2	71
In case of vacancy.....	9	17a	75
ELECTRICITY—			
See Public Utilities; Rates; Interchange of Service, etc.			
City may own electric light plants.....	2	7	14
May buy and sell.....	2	7b	15
EMINENT DOMAIN—			
See Condemnation; Improvements by Condemnation.			
EMPLOYEES—			
See Civil Service.			
Legal day's work.....	2	15a	20
Compensation of	5	4	49
Removal of employees.....	5a	3	54
City may prescribe that they shall not receive fees, etc.	4	3	38
EXEMPTION FROM EXECUTION—			
See Property.			
F			
FARES—			
See Street Railways.			
FEES—			
See Salaries.			
All fines, fees and costs of Corporation Court go to City	4	3	38
City shall prescribe that fees collectible under State law, by city officers, shall be property of City.....	4	3	38
FINANCES—			
See City Council; Controller; Bonds, Municipal; Schools.			
FINANCIAL STATEMENTS—			
See Schools.			
FINES—			
Ordinances may provide for enforcement by fine not exceeding \$200.00	2	12	16
Council may provide for commutation by labor, etc....	2	12	17
City may have execution for.....	2	12	17
Ordinances shall not provide for lesser penalty than imposed by State.....	2	12	16
Fines and penalties due and owing City.....	4	3	38
FIRE DEPARTMENT—			
City may provide for the regulation, maintenance and support of	2	8	15
FIRE LIMITS—			
City may prescribe.....	2	8	15
City may regulate and prohibit building, etc., therein..	2	8	15
FIRES—			
City may provide means for protection against.....	2	8	15
City may regulate and govern storage of lumber, etc., and fix limits within which may be carried.....	2	8	15
FIREPROOF ROOFING—			
City may prescribe limits in which only shall be used..	2	8	15
FISCAL YEAR—			
What is	6	8	56
Current begins March 1 and ends last day of February	7	10	60
FRAME BUILDINGS—			
See Fires; Fire Limits, etc.			
FRANCHISES—			
See Interchange of Service or Common Use, etc.			
Unlawful to continue, amend, etc., street railway, without binding it to give universal transfers.....	2	6	15
City may prescribe service, extensions, etc., of concerns holding franchises	2	6a	13

FRANCHISES—(Continued)—	Art.	Sec.	Page
Ordinance granting must be read in full at three regular meetings	2	17	23
Only granted by Ordinance, by majority of all members of Council, approved by Mayor.....	2	17	23
For longer period than 30 years, must be submitted to voters	2	17	23
None shall be granted for longer than 50 years.....	2	17	23
City may submit all applications for to vote of people	2	17	23
Grant shall provide that it is to become property of City, etc.	2	17	23
Every grant to make adequate provision for forfeiture	2	17	23
Council may also examine books of account.....	2	17	24
Publication shall be made of proposed grant.....	2	18	24
After publication, grant shall not be changed, unless republished	2	18	24
Referendum may be ordered on proposed grant of.....	2	18	24
Industrial plants may obtain sidetracks, etc., without complying	2	18	25
None to be granted after primary election, except in case certain events.....	7	6a	59
City may examine books of grantees of.....	8	5	68
Owners of to make annual reports.....	8	6	69

G

GAMBLING HOUSES—			
City has power to suppress, etc.....	2	16	21
GAS—			
See Rates; Public Utilities.			
City may own plants.....	2	7	14
City may buy and sell.....	2	7b	15
GARBAGE—			
Duty of City to regulate and dispose of.....	2	7	14
GEESE—			
See Animals.			
GENERAL WELFARE CLAUSE—			
See Powers, General.			
GOATS—			
See Animals.			
GRAVEYARDS—			
See Cemeteries and Crematories.			

H

HACKS AND CARRIERS—			
City may regulate the fares, etc., to be charged by....	2	6	13
City may make needful regulations concerning.....	2	16	21
HACK STANDS—			
City may fix public hack stands, etc.....	2	16	21
HARBOR AND WATER FRONT—			
See Buffalo Bayou.			
City may alone, or in connection with Navigation District, etc., acquire, etc., channels, etc.....	2	9	16
Power to control the water front, etc.....	2	9	16
To own, etc., warehouses, etc., on.....	2	9	16
Power to license, regulate and control the stream.....	2	9	16
Power to fix rates of wharfage, etc.....	2	9	16
HEALTH—			
See Milk, and Milch Cattle.			
City has power to regulate burial grounds, to protect..	2	15	19
City has power to regulate sale of all foodstuffs.....	2	15	19
City may inspect premises of all persons, in interest of the public health.....	2	15	19
City has power to pass Ordinances authorizing the destruction of clothing, etc.....	2	15	20
City has power to improve the purity of the water of Buffalo Bayou	2	15	20
City may prohibit manufactories from discharging refuse in Buffalo or White Oak Bayous.....	2	15	20
City can enact necessary Ordinances to protect health	2	2	9
HOGS—			
See Animals.			

	Art.	Sec.	Page
HORSES—			
See Animals.			
HOSPITALS—			
City may establish, regulate and maintain.....	2	11	16
I			
ICE FACTORIES—			
City may establish, maintain, etc.....	2	7a	14
IMPROVEMENT DISTRICTS—			
City Council may, and upon petition shall, divide city			
into	9	16	73
May borrow money on the credit of.....	9	16	73
May issue bonds for permanent improvements.....	9	16	74
Every proposition to borrow money shall be submitted			
to the voters.....	9	16	73
Interest and sinking fund shall be provided for and			
kept separate	9	16	74
IMPROVEMENTS BY CONDEMNATION—			
See Condemnation.			
INITIATIVE AND REFERENDUM—			
See Franchises; Ordinances.			
People may legislate directly by.....	7b	1	63
Initiative, how exercised.....	7b	2	64
Petition for Initiative.....	7b	2	64
Certificate of Secretary.....	7b	2	64
Council's action on petition.....	7b	2	64
Referendum, how exercised.....	7b	3	64
Council may refer of its own motion.....	7b	4	64
Ballots	7b	5	64
Publication of initiated or referred Ordinances, etc....	7b	6	65
Effect of adoption of Ordinance by voters.....	7b	7	65
Inconsistent Ordinances, which prevails.....	7b	8	65
Initiative and Referendum Ordinances, how repealed..	7b	9	65
Frequency of elections.....	7b	10	65
Council's power to make further regulations.....	7b	11	65
Sections 17 and 18, Art. 2, not repealed or impaired....	7b	12	65
INSPECTION—			
City may inspect premises in interest of public health..	2	15	19
City may provide for inspection of milch cattle.....	2	16	22
Books of account of grantees of franchises may be			
inspected	2	17	24
City's right to inspect all books of grantees of fran-			
chises	8	5	68
INSPECTION OF WEIGHTS AND MEASURES—			
See Weights and Measures.			
INTERCHANGE OF SERVICE, ETC.—			
Owners of franchises may be required to interchange			
service	2	5a	12
Common use of property, etc., between owners of fran-			
chises	2	5a	12
Definition of Interchange of Service or Common Use...	2	5a	13
City shall fix rates to be charged.....	2	5a	13
INTEREST—			
See Improvement Districts; Street Improvements; Side-			
walks; Bonds, Municipal.			
Municipal bonds shall not draw exceeding 5%.....	4	1	37
Ordinances issuing bonds must provide for payment of			
interest	4	1	37
Council, in making Budget, shall first provide for pay-			
ment of interest on bonded indebtedness.....	7	10	60
J			
JURORS—			
Freeholder in City not disqualified as juror where City			
is party	9	10	72
Officers and employees of City exempt from service as	9	10	72
L			
LAUNDRIES, STEAM—			
City may establish and operate.....	2	7a	14

LEGISLATION BY THE PEOPLE—	Art.	Sec.	Page
See Initiative and Referendum.			
LIBRARIES—			
City may establish and operate.....	2	7a	14
LICENSES—			
See Taxes and Taxation.			
LIMITATION, STATUTES OF—			
See Taxes and Taxation.			
LIQUOR LICENSES—			
See Taxes and Taxation.			
LODGING AND TENEMENT HOUSES—			
City may establish and operate.....	2	7a	14
LOTTERY TICKETS—			
City may punish persons who sell or advertise.....	2	16	21
LOANS—			
See Borrow Money.			
LUMBER, ETC.—			
City may regulate and govern storage, etc.....	2	8	15

M

MANUFACTURING—			
City may engage in certain classes of.....	2	7a	14
MARKETS AND ABATTOIRS—			
See Abattoirs.			
MAYOR—			
See Contracts; Officers; Schools; Street Improvements.			
Qualification of, term of office, etc.....	6	1	55
Is chief executive and administrative officer.....	6	1	55
Disability of.....	6	3	55
In case of death, etc., Mayor pro tem shall act.....	6	4	55
How removed.....	6	5	55
Veto power of.....	6	6	56
General powers.....	6	7	56
Duty to submit Annual Budget.....	6	8	56
Salary.....	6	9	56
Shall devote entire time.....	6	9	56
Shall appoint officers, subject to confirmation by Council	5	2	49
May remove appointive officers.....	7	8	59
Shall make recommendations to Council.....	7	10	60
Has authority to investigate Departments.....	7	9	59
Shall sign all warrants for money.....	8	3	67
MAYOR PRO TEM.—			
Elected first regular meeting.....	6	2	55
How nominated and elected.....	6	2	55
Term of office.....	6	2	55
When shall act as Mayor.....	6	3	55
Powers when acting as Mayor.....	6	3	55
In case of death, etc., of Mayor.....	6	4	55
MILK—			
City may provide for inspection of milk and milch cattle	2	16	22
MILCH CATTLE—			
See Milk.			
MONEY—			
See Borrow Money; Appropriations.			
MUNICIPAL BONDS—			
See Bonds, Municipal.			

N

NAME—			
See Corporate Name.			
NIGHT SOIL—			
City may provide for payment of charges for removal	2	15	19
City may prohibit anyone else from removing.....	2	15	19
Persons failing to pay City to remove may be fined....	2	15	19
NUISANCES—			
See Burial Grounds, Crematories and Cemeteries; Sec.			
15, Art. 2.			
City may declare dilapidated buildings to be.....	2	8	15
City may declare all wooden buildings in fire limits to be	2	8	15
City can enact all Ordinances necessary to prevent and			
summarily abate.....	2	2	9

	Art.	Sec.	Page
O			
OCCUPATION TAXES AND LICENSES—			
See Taxes and Taxation.			
City Council has power to levy, etc.....	3	7	29
Power limited to those from whom State collects occu- pation tax	3	7	29
Shall be paid to Assessor and Collector.....	3	7	29
Persons not paying subject to fine.....	3	7	30
OFFICERS—			
See Primary Elections; Elections; City Council.			
Any officer diverting funds shall be deemed guilty of a felony	4	1	37
Fees of, in Corporation Court, belong to City.....	4	3	38
City may prescribe that no officer shall receive fees, etc., from service performed, etc.....	4	3	38
City may provide that fees collected by, from State, shall be payable to it.....	4	3	38
What officers administer business affairs of City.....	5	1	48
Compensation of, except Mayor, etc., shall be fixed by Council	5	1	48
In primary elections, candidates shall be voted for at large	5	1	48
Officers not elected, appointed by Mayor, confirmed by Council	5	2	49
Mayor shall have power to remove.....	5	2	49
City Council may remove.....	5	2	49
No office created by Ordinance shall be for fixed time..	5	2	49
If requested, a written statement of reasons for re- moval shall be filed by the Mayor.....	5	2	49
How Aldermen or Commissioners are to be denominated In primary or regular elections, Aldermen shall desig- nate position for which candidate.....	5	3	49
Duties to be performed by Aldermen.....	5	3	49
Shall not be pecuniarily interested in contract let by City or School Trustees.....	7	4	57
Shall not be interested in any matter in which rights or liabilities of City may be involved.....	7	4	57
Shall not be interested in any public work, etc.....	7	4	57
Any officer becoming interested, forfeits emoluments of office	7	4	58
Shall be removed.....	7	4	58
Shall be deemed guilty of misdemeanor or felony.....	7	4	58
City Council may establish office deemed necessary....	7	8	59
Council shall require all officers to give bond.....	7	8	59
May be investigated by Mayor or Council.....	7	9	59
May be removed from office by Recall.....	7a	1	61
How instituted	7a	2	61
Form of petition.....	7a	3	61
Requirements of petition, various papers, certificates, and filing	7a	3a	62
Objection to petitions.....	7a	4	62
Members of Council against whom petition filed, in- eligible to act thereon.....	7a	4	62
Certificate of Secretary as to number of votes cast....	7a	5	62
Petitions may be withdrawn and amended.....	7a	6	63
Number of electors to sign petition.....	7a	7	63
Council shall order special election.....	7a	7	63
If officer recalled, his tenure of office terminates when Council declares result.....	7a	8	63
If he is an appointive officer, Mayor may appoint suc- cessor	7a	8	63
If he is an elective officer, provision shall immediately be made for an election of his successor.....	7a	8	63
Qualification of recalled officers.....	7a	9	63
Two or more officers may be joined in one recall petition	7a	10	63
No petition for recall shall be filed until 8 months after election, etc.....	7a	11	63
In case of vacancies, Council to call special election....	9	17a	75
OFFICES—			
See Officers.			
OFFICIAL BONDS—			
See Bonds, Official.			

ORDINANCES—

Art. Sec. Page

See Animals; Automobiles; Bakeries; Bawdy Houses; Bonds, Official; Boundaries; Buffalo Bayou; Butchers; Cemeteries; City Council; City of Houston; Civil Service; Cocaine; Condemnation; Dance Halls; Depots; Dogs; Drays; Elections; Electricity; Fees; Fines; Fire Limits; Fires; Fireproof Roofing; Franchises; Gambling Houses; Hacks and Carriers; Hack Stands; Harbor and Water Front; Health; Hospitals; Initiative and Referendum; Inspection; Interchange of Service; Interest; Lottery Tickets; Lumber; Milk; Night Soil; Nuisances; Occupation Taxes; Officers; Peace and Good Order; Powers, General; Primary Elections; Prisoners; Public Utilities; Railways; Rates; Sidewalks; Stock Driving; Streets; Street Improvements; Street Railroads; Taxes and Taxation; Telephones; Theatres; Transfers; Vagrants; Weights and Measures; Work Houses.

In addition to powers of Ordinance enumerated in Charter, all which might have been enumerated are granted

Shall be enforced by fine.....	2	2	10
Shall not provide less penalty than prescribed by State	2	12	16
Certain may be passed.....	2	12	16
Council shall act only by Ordinance, etc., which shall be confined to one subject, except appropriations....	2	16	21
Ayes and Nays shall be taken upon the passage of all Ordinances, etc., and entered upon Journal.....	7	6	58
Every Ordinance, etc., majority vote of all members of Council	7	6	58
No Ordinance, etc., to be finally passed on date introduced, except in case of public emergency.....	7	6	58
When passed under emergency, Mayor must request in writing	7	6	58
Franchise or special privilege shall not be passed under emergency	7	6	59
Creating liability, etc., on City after primary election prohibited, when	7	6a	59
Not inconsistent with Charter, to remain in full force..	9	5	71
Printed as evidence.....	9	7	71
How pleaded in judicial proceedings.....	9	13	73
Notice of passage of Ordinances to be given by publishing caption or title.....	9	17b	75

P

PARKS—

City may establish, maintain, etc.....	2	7a	14
--	---	----	----

PEACE AND GOOD ORDER—

City may pass certain Ordinances promoting.....	2	16	21
---	---	----	----

PEDDLERS AND HAWKERS—

City may license and tax.....	3	7	29
-------------------------------	---	---	----

PENALTIES—

See Fines; Ordinances.

PETITIONS—

See Initiative and Referendum; Officers; Street Improvements.

Petitions provided for herein.....	9	3	71
------------------------------------	---	---	----

Signing another's name, or fictitious name, punishable as forgery	9	3	71
---	---	---	----

PLANTS OR WORKS—

City may own and operate for certain purposes.....	2	7a	14
--	---	----	----

PLATS—

See Subdivisions.

PLEADING ORDINANCES—

By caption	9	13	73
------------------	---	----	----

POLICE DEPARTMENT—

City has power to establish and maintain.....	2	16	21
---	---	----	----

POLL TAX—

City shall not levy and collect for 1914 or subsequent years	3	1	27
--	---	---	----

	Art.	Sec.	Page
POWERS, GENERAL—			
See Corporate Powers.			
City granted very general powers.....	2	2	9
Specification of particular powers not limitation on general powers	2	2	10
Purpose to grant City full power of local self-government	2	2	10
City granted all powers given by Constitution and laws, now or hereafter.....	2	2	10
City has all powers it would have been competent for this Charter to grant.....	2	2	10
PREFERENTIAL BALLOT—			
See Primary Elections.			
PRIMARY ELECTIONS—			
Mayor and Aldermen must be nominated by voters at large	5	1	48
Each candidate for Alderman shall designate place....	5	3	49
City may pass Ordinances requiring use of preferential ballot in nominating officers.....	5	4a	50
Form of ballot.....	5	4a	50
Council may make regulations for, not inconsistent with Charter and State law.....	9	2	71
PRISONERS—			
City may maintain city prison, etc., for punishment of	2	11	16
City may provide for working out fines by.....	2	12	17
PROPERTY—			
How platted	1	3	9
Of City, exempt from execution.....	9	9	72
PUBLIC ACT—			
Charter public act.....	{ 9	4	71
	{ 9	14	73
PUBLIC IMPROVEMENTS—			
See Street Improvements.			
PUBLIC POUND—			
City may establish and regulate.....	2	16	22
PUBLIC SCHOOLS—			
See Schools.			
PUBLIC UTILITIES—			
See Street Railways; Rates.			
Owners may be required to allow interchange of service, etc.	2	5a	12
Council has power to fix charges of various.....	2	6	13
City may regulate service and extensions.....	2	6a	13
City may own waterworks, etc.....	2	7	14
City may own, maintain, etc., various.....	2	7a	14
City's right to acquire.....	9	15	73
Character of utilities may acquire.....	9	15	73
How payment shall be made.....	9	15	73
Must be submitted to taxpaying voters.....	9	15	73
Right to regulate.....	9	15	73
R			
RAILWAYS—			
See Interchange of Service; Franchises; Street Improvements.			
City has power to regulate speed.....	2	5	11
City has power to require to drain, light, etc., streets..	2	5	11
City has power to direct laying of tracks, etc.....	2	5	12
City has power to require to pay all or part of street paving	2	5	12
Must have permission of City to occupy street.....	2	5	12
City may prohibit ringing of bells, etc.....	2	16	22
RATES—			
Council shall fix and regulate rates of public utilities..	2	6	13
City has power to fix rates of wharfage, etc.....	2	9	16
REAL ESTATE—			
Platting of	1	3	9
City may own and sell.....	2	1	9
Owned by City.....	2	3	10
REFERENDUM—			
See Franchises; Initiative and Referendum.			

RECALL OF OFFICERS—	Art.	Sec.	Page
See Officers.			
REMOVAL FROM OFFICE—			
See Officers.			
REPEALING CLAUSES—			
Laws in conflict repealed.....	9	18	76
Where inconsistent, amendment receiving highest vote adopted	9	19	76
REPORTS—			
See Annual Reports.			
RESOLUTIONS—			
See Ordinances.			

S

SALOONS—			
City may regulate, etc.....	2	16	21
SCHOOL TRUSTEES (SCHOOL BOARD)—			
Not to be interested in contract with City.....	2	14	18
How appointed, terms of office, etc.....	2	14	17
Shall furnish free text books.....	2	14a	18
Mayor may veto pecuniary liability created by.....	2	14	18
Shall make financial statements.....	2	14	18
SCHOOLS—			
City an Independent School District.....	2	14	17
City Treasurer custodian of funds.....	2	14	18
Funds shall not be paid out except on rolls or warrant signed by President of Board and Mayor, etc.....	2	14	18
SEWERS—			
City may maintain, own and operate.....	2	7	14
SIDEWALKS—			
See Improvement Districts.			
By penal Ordinance, property owner may be required to construct	4	4	38
City may build and recover personal judgment plus 10% from abutting owner.....	4	4	38
SINKING FUNDS—			
See Bonds, Municipal; Improvement Districts.			
City Council shall provide for in Budget.....	7	10	60
City Council shall provide for by levying tax.....	3	1	26
SPECIAL BENEFITS—			
See Condemnation; Public Improvements; Street Improvements.			
SPECIAL ASSESSMENTS—			
See Special Benefits.			
STOCK DRIVING—			
City may regulate and control.....	2	16	22
STORAGE OF LUMBER, ETC.—			
City may regulate and govern.....	2	8	15
STREETS, ETC.—			
See Animals; Automobiles; City Council; City Engineer; City of Houston; Claims and Demands; Condemnation; Franchises; Improvement Districts; Parks; Railways; Street Improvements; Street Railroads.			
City has full power over streets.....	2	4	11
Peace and good order.....	2	16	21
STREET IMPROVEMENTS—			
City may bid for work.....	2	7a	14
Definition of Improvements.....	4a	1	39
Definition of Highway.....	4a	2	39
Apportionment of cost of.....	4a	3	39
Assessment against steam or street railways.....	4a	4	39
Contractors for must file price lists, etc.....	4a	4a	40
How installed by abutting owners.....	4a	5	40
51 per cent abutting property must petition.....	4a	5	40
Contents of petition.....	4a	5	40
Subsequent proceedings after filing petition.....	4a	5	40
How initiated by City Council.....	4a	5a	42
Resolution necessary	4a	5a	42
Subsequent proceedings after adoption of resolution.....	4a	5a	42
Specifications, advertisements and bids for.....	4a	6	42
Contracts for	4a	6	43

STREET IMPROVEMENTS—(Continued)—				Art.	Sec.	Page
Hearing on benefits.....	4a	7	44			
Assessment of benefits may be contested.....	4a	8	45			
How contested	4a	8	45			
Assessment of benefits and fixing of lien.....	4a	9	45			
Cost shall be apportioned according to front foot plan	4a	9	46			
Where property exempt, Council may order improve-						
ment not made in front of.....	4a	10	46			
Duty of Council to correct errors and re-assess, when..	4a	11	46			
Passage of resolution notice.....	4a	12	47			
Council may cause assignable certificates to be issued..	4a	14	47			
Council may provide that contractors shall look to						
owners	4a	15	47			
STREET RAILROADS—						
See City Council; City of Houston; Franchises; Inter-						
change of Service; Public Utilities; Rates; Streets;						
Street Improvements.	3	5	11			
City may regulate speed.....	2	5	12			
City may require certain work on streets occupied by..						
City may require payment of cost of grading, etc., of						
streets or intersections.....	2	5	12			
Such cost shall be a lien.....	2	5	12			
Portion of street deemed occupied.....	2	5	12			
Where street is previously occupied.....	2	5	12			
Where street has been previously improved.....	2	5	12			
Shall not be allowed to occupy street without permis-						
sion of City Council.....	2	5	12			
City Council may require issuance of transfers.....	2	5	12			
City Council may fix fares and require transfers.....	2	6	13			
May mandamus	2	6	13			
May recover penalty.....	2	6	13			
Council can not amend franchise without providing for						
transfers under general Ordinance.....	2	6	13			
City shall have power over service and extensions....	2	6a	13			
City may own.....	2	7	14			
Council may compel removal of abandoned tracks.....	2	16	22			
Council may require vestibuled cars.....	4	5	39			
City shall have right to require fenders on cars.....	4	5	39			
SUBDIVISIONS—						
Must be platted to conform to abutting streets, etc....	1	3	9			
T						
TAXES AND TAXATION—						
See Board of Appraisalment.						
Council may levy, assess and collect an ad valorem tax	3	1	26			
Shall not exceed two dollars on the one hundred dollars						
valuation	3	1	26			
Twenty-five cents additional may be levied in improve-						
ment districts	3	1	26			
Property exempted	3	1	26			
Council may provide for portion of tax necessary under						
Ordinance of June, 1888.....	3	1	27			
Failure during any year to pass Ordinance, the last						
Ordinance levying passed shall govern.....	3	1	27			
Council may determine when due and payable.....	3	1	27			
No poll tax to be levied.....	3	1	27			
All real, personal and mixed property liable.....	3	2	27			
Personal property may be levied on and sold.....	3	2	27			
Amount due upon any species of property may be sued						
for in any court having jurisdiction.....	3	2	27			
Declared to be a lien.....	3	3	28			
Duty of every owner to assess his property.....	3	4	28			
General laws of the State to govern in rendition, unless						
otherwise provided herein.....	3	4	28			
Definition of Property.....	3	4	28			
City Council may pass Ordinances providing for the						
collection of taxes, etc.....	3	5	28			
Payable at the office of Assessor and Collector.....	3	5	28			
Where owner refuses or fails to assess, the Assessor						
and Collector may.....	3	5	29			
Property not assessed for prior years.....	3	5	29			
Tax rolls and assessment sheets prima facie evidence..	3	5	29			
All taxes payable in current money of the United States	3	6	29			
May levy and collect one-half occupation taxes and						
licenses collected by State.....	3	7	29			

TAXES AND TAXATION—(Continued)—			Art.	Sec.	Page
License or occupation taxes to be paid to Assessor and Collector	3	7			29
All taxes from 1875 to date may be collected by suit..	3	8			30
Purchaser takes subject to lien.....	3	8			30
But not liable personally.....	3	8			30
Limitation of four years.....	3	8			30
May recover personal judgment for.....	3	8			30
All taxes due by person must be sued for in one suit..	3	8			31
Who necessary parties in suits, and method of proceeding	3	8			31
Foreclosure and sale by Sheriff to satisfy taxes and costs	3	8			31
Attorney's fee of 5% added to costs.....	3	8			31
Assessor's rolls, etc., prima facie evidence.....	3	9			32
Deeds of Assessor and Collector from 1890 to 1894 prima facie evidence.....	3	9			32
Due January 1st of every year.....	3	10			32
No authority to remit, discount or compromise.....	3	10			32
Delinquent roll to be published in newspaper.....	3	11			33
Sales may be made by Assessor and Collector, and may be confirmed by Council.....	3	11			33
Effect of deed made by.....	3	11			33
City may become purchaser at sale.....	3	11			33
Failure to prepare delinquent roll or publish same does not affect liability.....	3	11			33
State or City may intervene.....	3	11			34
Delinquent roll must be finished by last of February..	3	12			34
Delinquent roll published in March once a week for four weeks	3	12			34
Owner may demand written statement of taxes due...	3	12			35
City may receive payment in advance and allow interest	3	13			35
Abbreviations used and errors in description does not invalidate	3	14			35
Additional may be collected in improvement districts..	9	16			73
TELEPHONES—					
See Interchange of Service.					
City Council may fix and regulate tolls, etc.....	2	6			13
City may regulate and control service and extensions..	2	6a			13
City may own and regulate.....	9	15			73
THEATRES—					
City may permit, forbid or regulate.....	2	16			21
TRANSFERS—					
See Street Railways.					
V					
VAGRANTS—					
Right to punish.....	2	16			21
W					
WARRANTS—					
See Anticipation Warrants.					
Must be signed by Controller and Mayor.....	8	3			67
When signed by Controller, money must be in treasury	8	3			67
WATERWORKS—					
City may buy, construct, own, etc.....	2	7			14
City may own and regulate.....	9	15			73
WEIGHTS AND MEASURES—					
City has right to inspect; to fix standards, and to provide penalties and inspection fees.....	2	16			21
WHARVES AND DOCKS—					
See Harbor and Water Front.					
WORK HOUSES—					
City may establish, maintain, etc.....	2	11			16

**SOME EXTRACTS FROM STATE CONSTITUTION, REVISED CIVIL
STATUTES AND CODE OF CRIMINAL PROCEDURE RELATING
TO MUNICIPAL CORPORATIONS.**

(STATE CONSTITUTION.)

Sec. 1. Guaranty Against Unreasonable Seizures and Searches—The people shall be secure in their persons, houses, papers and possessions, from all unreasonable seizures or searches, and no warrants to search any place, or to seize any person or thing, shall issue without describing them as near as may be, nor without probable cause, supported by oath or affirmation. (Sec. 9, Art. 1.)

Sec. 2. Bail—All prisoners shall be bailable by sufficient sureties, unless for capital offenses when the proof is evident; but this provision shall not be so construed as to prevent bail after indictment found upon examination of the evidence in such manner as may be prescribed by law. (Sec. 11, Art. 1.)

Sec. 3. Excessive Bail and Fine; Courts Open—Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted. All courts shall be open, and every person for an injury done him, in his lands, goods, person or reputation, shall have remedy by due course of law. (Sec. 13, Art. 1.)

Sec. 4. Bill of Attainder and Ex Post Facto Law—No bill of attainder, ex post facto law, retroactive law, or any other law impairing the obligation of contracts, shall be made. (Sec. 16, Art. 1.)

Sec. 5. Eminent Domain; Privileges and Franchises—No person's property shall be taken, damaged or destroyed for, or applied to public use, without adequate compensation being made, unless by the consent of such person; and, when taken, except for the use of the State, such compensation shall be first made, or secured by a deposit of money; and no irrevocable or uncontrollable grant of special privileges or immunities shall be made; but all privileges and franchises granted by the Legislature, or created under its authority, shall be subject to the control thereof. (Sec. 17, Art. 1.)

Sec. 6. Right to Bear Arms—Every citizen shall have the right to keep and bear arms in the lawful defense of himself or the State; but the Legislature shall have power, by law, to regulate the wearing of arms, with a view to prevent crime. (Sec. 23, Art. 1.)

Sec. 7. Perpetuities; Monopolies, Primogeniture; Entailments—Perpetuities and monopolies are contrary to the genius of a free government, and shall never be allowed, nor shall the law of primogeniture or entailments ever be in force in this State. (Sec. 26, Art. 1.)

Sec. 8. Assemblies; Petitions—The citizens shall have the right, in a peaceable manner, to assemble together for their common good; and to apply to those invested with the power of government for redress of grievances or other purposes, by petition, address or remonstrance. (Sec. 27, Art. 1.)

Sec. 9. Power to Suspend Laws—No power of suspending laws in this State shall be exercised except by the Legislature. (Sec. 28, Art. 1.)

Sec. 10. Extra Compensation by Municipal Corporations—The Legislature shall have no power to grant, or to authorize any county or municipal authority to grant, any extra compensation, fee or allowance to a public officer, agent, servant or contractor, after service has been rendered, or a contract has been entered into, and performed in whole or in part; nor pay, nor authorize the payment of, any claim created against any county or municipality of the State, under any agreement or contract, made without authority of law. (Sec. 53, Art. 3.)

Sec. 11. No Power to Release Debts—The Legislature shall have no power to release or extinguish, or to authorize the releasing or extinguishing, in whole or in part, the indebtedness, liability or obligation of any incorporation or individual, to this State, or to any county or other municipal corporation therein. (Sec. 55, Art. 3.)

Sec. 12. Voters Privileged From Arrest—Voters shall, in all cases, except treason, felony or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning therefrom. (Sec. 5, Art. 6.)

Sec. 13. Corporations; Power to Tax Shall Not Be Suspended—The power to tax corporations and corporate property shall not be surrendered or suspended by act of the Legislature, by any contract or grant to which the State shall be a party. (Sec. 4, Art. 8.)

Sec. 14. Taxation; Poll, Occupation and Income; Equal and Uniform; Exemptions; Limitations Upon Cities, Etc.—Taxation shall be equal and uniform. All property in this State, whether owned by natural persons or corporations, other than municipal, shall be taxed in proportion to its value, which shall be ascertained as may be provided by law. The Legislature may impose a poll tax. It may also impose certain occupation taxes both upon natural persons and upon corporations, other than municipal, doing any business in this State. It may also tax incomes of both natural persons and corporations other than municipal, except that persons engaged in mechanical and agricultural pursuits shall never be required to pay an occupation tax; provided, that two hundred and fifty dollars worth of household and kitchen furniture, belonging to each family in this State, shall be exempt from taxation, and provided further that the occupation tax levied by the county, city or town for any year on persons or corporations pursuing any profession or business, shall not exceed one-half of the tax levied by the State for the same period on such profession or business. (Sec. 1, Art. 8.)

Sec. 15. Occupation Tax; Exemptions—All occupation taxes shall be equal and uniform upon the same class of subjects within the limits of the authority levying the tax; but the Legislature may, by general laws, exempt from taxation public property used for public purposes; actual places of religious worship; places of burial not held for private or corporate profit; all buildings used exclusively and owned by persons or associations of persons for school purposes, and the necessary furniture of all schools, also the endowment funds of such institutions of learning and religion not used with a view to profit and when the same are invested in bonds or mortgages, or in land or other property which has been and shall hereafter be bought in by such institutions under foreclosure sales made

to satisfy or protect such bonds or mortgages; that such exemption of such land and property shall continue only for two years after the purchase of the same at such sale by such institutions and no longer, and institutions of purely public charity; and all laws exempting property from taxation other than the property above mentioned shall be null and void. (Sec. 2, Art. 8.)

Sec. 16. Railroad Taxes Due Cities and Towns—All property of railroad companies, of whatever description, lying or being within the limits of any city or incorporated town within this State, shall bear its proportionate share of municipal taxation, and if any such property shall not have been heretofore rendered, the authorities of the city or town within which it lies shall have power to require its rendition, and collect the usual municipal tax thereon, as on other property lying within said municipality. (Sec. 5, Art. 8.)

Sec. 17. Not to Become Stockholders or Make Donations—No county, city, or other municipal corporation, shall hereafter become a subscriber to the capital of any private corporation or association, or make any appropriation or donation to the same, or in anywise loan its credit; but this shall not be construed in any way to effect (affect) any obligation heretofore undertaken pursuant to law. (Sec. 3, Art. 11.)

Sec. 18. Cities of Five Thousand; Taxation and Debt—Cities having more than five thousand (5000) inhabitants may by a majority vote of the qualified voters of said city, at an election held for that purpose, adopt or amend their charters, subject to such limitations as may be prescribed by the Legislature, and providing that no charter shall contain any provision inconsistent with the Constitution of the State, or of the general laws enacted by the Legislature of this State; said cities may levy, assess and collect such taxes as may be authorized by law or by their charters; but no tax for any purpose shall ever be lawful for any one year which shall exceed two and one-half per cent of the taxable property of such city, and no debt shall ever be created by any city, unless at the same time provision be made to assess and collect annually a sufficient sum to pay the interest thereon and creating a sinking fund of at least two per cent thereon; and provided, further, that no city charter shall be altered, amended or repealed oftener than every two years. (Sec. 5, Art. 11.)

Sec. 19. Municipal Taxation—Counties, cities and towns are authorized in such mode as may be now or may hereafter be provided by law, to levy, assess and collect the taxes necessary to pay the interest and provide a sinking fund to satisfy any indebtedness heretofore legally made and undertaken; but all such taxes shall be assessed and collected separately from that levied, assessed and collected for current expenses of municipal government, and shall when levied specify in the act levying the purpose therefor, and such taxes may be paid in the coupons, bonds or other indebtedness for the payment of which such tax may have been levied. (Sec. 6, Art. 11.)

Sec. 20. Public Property; Buildings, Etc.—The property of counties, cities and towns, owned and held for public purposes, such as public buildings and the sites therefor, fire engines and the furniture therefor, and all property used, or intended for extinguishing fires, public grounds and all other property devoted exclusively to the use and benefit of the public, shall be exempt from forced sale and from taxation, provided,

nothing herein shall prevent the enforcement of the vendor's lien, the mechanic's or builder's lien, or other liens now existing. (Sec. 9, Art. 11.)

Sec. 21. City or Town May Be School District; Special Tax—The Legislature may constitute any city or town a separate and independent school district. And when the citizens of any city or town have a charter, authorizing the city authorities to levy and collect a tax for the support and maintenance of a public institution of learning, such tax may hereafter be levied and collected, if at an election, held for that purpose, two-thirds of the taxpayers of such city or town shall vote for such tax. (Sec. 10.)

Sec. 22. Official Oath—Members of the Legislature, and all officers, before they enter upon the discharge of their duties, shall take the following oath or affirmation: I (.....), do solemnly swear (or affirm) that I will faithfully and impartially discharge and perform all the duties incumbent upon me as....., according to the best of my skill and ability, agreeably to the Constitution and laws of the United States and of this State. I, being a citizen of this State, have not fought a duel with deadly weapons, within this State nor out of it, nor have I sent or accepted a challenge to fight a duel with deadly weapons, nor have I acted as a second in carrying a challenge, or aided, advised or assisted any person thus offending: And I furthermore solemnly swear (or affirm) that I have not directly nor indirectly paid, offered or promised to pay, contributed, nor promised to contribute any money, or valuable thing, or promised any public office or employment, as a reward for the giving or withholding a vote at the election at which I was elected (or if the office is one of appointment, to secure my appointment), so help me God. (Sec. 1, Art. 16.)

(REVISED CIVIL STATUTES OF 1911.)

Sec. 23. Report, Annual, of County or City Treasurer to Comptroller, Requisites of—It shall be the duty of the treasurer of each county in this State, and of each city, whether incorporated under the general law or by special charter, to make an annual report to the comptroller of public accounts of this State on the first day of August of each year, showing the condition of the interest and sinking fund for each set of bonds of said county or city outstanding on the thirtieth day of June of each year, which said report shall be made under oath, and shall show:

First—The outstanding bonded indebtedness of said city or county, giving date when issued, the amount of each set of bonds, the rate of interest they bear and when they mature.

Second—The tax levy in force to provide for the interest and sinking fund on each set of bonds.

Third—The amount on hand to the credit of the interest and sinking fund of each set of bonds, showing whether in cash or securities.

Fourth—The amount received by the said fund since last report, and from what source.

Fifth—The disbursements from said fund since last report, and for what purpose.

Sixth—The amount of said bonds redeemed since last report, and the amount still outstanding. (Art. 699.)

Sec. 24. Draft on Sinking Fund Not to Be Honored by Treasurer Except for Interest, Redemption or Investment—No city or county treasurer

shall honor any draft upon the interest and sinking fund provided for any of the bonds of such city or county, nor pay out nor divert any of the same, except for the purpose of paying the interest on such bonds or for redeeming the same, or for investment in such securities as may be provided by law. (Art. 700.)

Sec. 25. Penalties for Failure to Report or For Diversion or Misappropriation—Any treasurer who shall fail to make the reports provided for in Article 699, or who shall divert said fund or apply said fund for any other purpose than as permitted by Article 700, shall be subject to a penalty of not less than five hundred dollars nor more than one thousand dollars, to be recovered by the State, and, in addition thereto, shall be liable for the amount of such fund so diverted. (Art. 701.)

Sec. 26. Corporation Court Created—There is hereby created and established in each of the cities, towns and villages of the State, now or hereafter incorporated, whether by general or special act, a court to be known as the corporation court in such city, town or village, which court shall have jurisdiction and organization hereinafter prescribed. (Art. 903.)

Sec. 27. Jurisdiction—Said court shall have jurisdiction within the territorial limits of said city, town or village, within which it is established, in all criminal cases arising under the ordinances of the said city, town or village, now in force, or hereafter to be passed, and shall also have jurisdiction concurrently with any justice of the peace in any precinct in which said city, town or village is situated, in all criminal cases arising under the criminal laws of this State, in which the punishment is by fine only, and where the maximum of such fine may not exceed two hundred dollars and arising within the territorial limits of such city, town or village. (Art. 904.)

Sec. 28. Seal of Corporation Court—The said corporation court shall have a seal, having engraved thereon a star of five points in the center, and words, "Corporation Court in....., Texas," the impress of which shall be attached to all proceedings, except subpoenas, issued out of said court, and shall be used to authenticate the official acts of the clerk and of the recorder where he is authorized or required to use the seal of office. (Art. 910.)

Sec. 29. Complaint, How Commenced and Concluded; Prosecution Conducted by City Attorney or Deputy; County Attorney May Also Represent the State, but No Fees; Process—In all prosecutions in said court, whether under an ordinance or under the provisions of the Penal Code, the complaint shall commence in the name of the State of Texas, and shall conclude, "against the peace and dignity of the State"; and where the offense is covered by any ordinance, the complaint may also conclude, as "contrary to the said ordinance"; and all prosecutions in such court shall be conducted by the city attorney of such city, town or village, or by his deputy; but the county attorney of the county in which said city, town or village is situated may, if he so desires, also represent the State of Texas in such prosecutions, but, in all such cases, the said county attorney shall not be entitled to receive any fees or other compensation whatever for said services, and in no case shall the said county attorney have power to dismiss any prosecution pending in said court, unless for reasons filed and approved by the recorder of said court. (Art. 911.)

Sec. 30. Council to Prescribe Rules for Collecting Fines and Costs, Practice, Etc.; Rules in Meantime—The council or board of aldermen of each such city, town or village shall, from time to time, by ordinance, prescribe such rules, not inconsistent with the provisions of this chapter, nor other laws of this State, as in the discretion of the council or board of aldermen may be proper to enforce, by execution against the property of the defendant, or imprisonment of the defendant, the collection of all costs and fines imposed by such court as herein created and established, and shall also have power to adopt such rules and regulations concerning the practice and procedure in such court as said council or board of aldermen may deem proper, not inconsistent with the provisions of this chapter nor other law of this State; and, until the passage of such ordinance, all rules and regulations of such city, town or village now in force concerning the municipal courts therein, and the enforcement of collection of fines and costs imposed by such court, shall be applicable to the court hereby created and established. (Art. 912.)

Sec. 31. Fines and Costs Paid Into City Treasury, Etc.—All costs and fines imposed by the said court in any city, town or village, in any prosecution therein, shall be paid into the city treasury of said city, town or village, for the use and benefit of the city, town or village. (Art. 913.)

Sec. 32. Costs to Be Collected as Provided by Ordinances, but Not Greater Than in Justices' Courts—There shall be taxed against, and collected of, each defendant, in case of his conviction before such court, such costs as may be provided for by ordinance of the city, town or village; but in no case shall the council or board of aldermen of any such city, town or village prescribe the collection of greater costs than are prescribed by law to be collected of defendants convicted before justices of the peace. (Art. 914.)

Sec. 33. Jury and Witness Fees, and Enforcing Attendance of Witnesses According to Code of Criminal Procedure—The provisions of the code of criminal procedure, now in force regulating the amount and collection of jury and witness fees, and for enforcing the attendance of witnesses in criminal cases, tried before a justice of the peace, shall, so far as applicable, govern and be applicable to the trial of cases before the corporation court herein created and established. (Art. 915.)

Sec. 34. Judges May Punish for Contempt as County Judge; May Take Recognizances, Admit to Bail, Etc., Under Rules in County Court—The judge of said corporation court shall have the power to punish for contempt to the same extent and under the same circumstances as the county judge may punish for contempt of the county court. He shall have power to take recognizances, admit to bail, and forfeit recognizances and bail bonds under such rules and regulations as now govern the taking and forfeiture of the same in the county court. (Art. 916.)

Sec. 35. Process How Served; Defendant Entitled to Notice of Complaint, if Demanded—All process issuing out of said corporation court shall be served by the chief of police or any policeman or marshal of the city, town or village within which it is situated, under the same rules and regulations as are now provided by law for the service by sheriffs and constables of process issuing out of the county court, so far as the same are applicable. But each defendant shall be entitled to at least one day's notice of any complaint against him, if such time be demanded. (Art. 917.)

(CODE OF CRIMINAL PROCEDURE OF 1911.)

Sec. 36. Warrant Issued by Mayor, Directed to Whom—Warrants issued by a mayor or recorder are directed to the marshal or other proper officer of the town or city where the criminal proceeding is had; but in case there be no such officer the process issued by a mayor or recorder shall be directed to any peace officer within the city, town or county, and shall be executed by such officer. (Art. 967.)

Sec. 37. Warrant Issued by the Mayor, Etc., May Be Executed, Where—When the party for whose arrest a warrant is issued by a mayor or recorder is not to be found within the limits of the incorporation, the same may be executed anywhere within the limits of the county in which such incorporation is included, by the marshal or other proper officer of such town or city, or by any peace officer of such county, and may be executed in any county in the State under the same rules governing warrants of arrest issued by a justice of the peace. (Art. 968.)

Sec. 38. The Mayor's or Recorder's Docket; What It Shall Show—Each justice of the peace, mayor and recorder shall keep a docket, in which he shall enter the proceedings in all examinations and trials for criminal offenses had before him, which docket shall show:

1. The style of the action.
 2. The nature of the offense charged.
 3. The date of the issuance of the warrant and the return made thereon.
 4. The time when the examination or trial was had, and, if the same was a trial, whether it was by a jury or by himself.
 5. The verdict of the jury, if any.
 6. The judgment of the court.
 7. Motion for new trial, if any, and the action of the court thereon.
 8. Notice of appeal, if any.
 9. The time when and the manner in which the judgment was enforced.
- (Art. 969.)

Sec. 39. Certified Transcript of Docket to Be Filed with the Clerk of the District Court—At each term of the District Court each justice of the peace, mayor and recorder in each county shall, on the first day of the term of said court for their county, file with the clerk of said court a certified transcript of the docket kept by such justice, mayor or recorder, as required by the preceding article, of all criminal cases examined or tried before him since the last term of such district court; and the clerk of such court shall immediately deliver such transcript to the foreman of the grand jury. (Art. 970.)

Sec. 40. Who Are Peace Officers—The following are "peace officers": The sheriff and his deputies, constable, the marshal (chief of police), constable or policeman of an incorporated town or city, and any private person specially appointed to execute criminal process. (Art. 43.)

Sec. 41. Duties and Powers of Peace Officers—It is the duty of every peace officer to preserve the peace within his jurisdiction. To effect this purpose he shall use all lawful means. He shall, in every case where he is authorized by the provisions of this code, interfere without warrant to prevent or suppress crime. He shall execute all lawful process issued to him by any magistrate or court. He shall give notice to some magistrate of all offenses committed within his jurisdiction, where he has good reason to believe there has been a violation of the penal law. He shall arrest offenders without warrant in every case where he is authorized by

law in order that they may be taken before the proper magistrate or court, and be brought to punishment. (Art. 44.)

Sec. 42. Peace Officer May Summon Citizens to His Assistance—Whenever a peace officer meets with resistance in discharging any duty imposed upon him by law, he shall summon a sufficient number of citizens of his county to overcome the resistance, and all persons summoned are bound to obey, and if they refuse are guilty of the offense prescribed in Article 245 of the Penal Code. (Art. 45.)

Sec. 43. Persons Refusing to Be Liable to Prosecution—The peace officer who has summoned any person to assist him in performing any duty shall report such person, if he refuses to obey, to the district or county attorney of the proper district or county, in order that he may be prosecuted for the offense. (Art. 46.)

Sec. 44. Officer Neglecting to Execute Process May Be Fined for Contempt—If any sheriff or other officer shall wilfully refuse, or fail from neglect to execute any summons, subpoena or attachment for a witness, or any other legal process, which it is made his duty by law to execute, he shall be liable to a fine for contempt of not less than ten nor more than two hundred dollars, at the discretion of the court having cognizance of the same, and the payment of said fine shall be enforced in the same manner as fines for contempt in civil cases. (Art. 47.)

Sec. 45. Arrest Without Warrant, When—A peace officer, or any other person, may, without warrant, arrest an offender, when the offense is committed within his presence or within his view, if the offense is one classed as a felony, or as an "offense against the public peace." (Art. 259.)

Sec. 46. Same Subject—A peace officer may arrest without warrant when a felony or breach of the peace has been committed in the presence or within the view of a magistrate, and such magistrate shall verbally order the arrest of the offender. (Art. 260.)

Sec. 47. Municipal Authorities May Establish Rules for Arrest Without Warrant, When—The municipal authorities of towns and cities may establish rules authorizing the arrest without warrant of persons found in suspicious places, and under circumstances that reasonably show that such persons have been guilty of some felony or breach of the peace; or threaten or are about to commit some offense against the laws. (Art. 261.)

Sec. 48. May Arrest Without Warrant When Felony Has Been Committed—Where it is shown by satisfactory proof to a peace officer, upon the presentation of a credible person, that a felony has been committed, and that the offender is about to escape so that there is no time to procure a warrant, such peace officer may without warrant pursue and arrest the person accused. (Art. 262.)

Sec. 49. In All Such Cases the Officer May Adopt Same Measures As, Etc.—In all the cases enumerated where arrests may be lawfully made without warrant the officer or other person making the arrest is justified in adopting all the measures which he might adopt in cases of arrest under warrant, as provided in this Code. (Art. 263.)

Sec. 50. In Such Cases Must Take the Offender Before the Nearest Magistrate—In all the cases enumerated in this chapter, the person making the arrest shall immediately take the person arrested before the magistrate who may have ordered the arrest, or before the nearest magistrate where the arrest was made, without an order. (Art. 264.)

INDEX

TO

Extracts from State Constitution, Etc.

	Section
ANNUAL REPORT—	
See Treasurer.	
ARRESTS—	
See Warrants of Arrest; Peace Officers.	
ARMS—	
Rights of citizens to bear.....	6
ASSEMBLIES—	
Right of citizens to assemble.....	8
BAIL—	
All prisoners bailable, except for capital offenses.....	2
Excessive not to be required.....	3
BILL OF ATTAINDER—	
None to be passed.....	4
BILL OF RIGHTS—	
See Sections 1 to 9.	
BRIBES—	
See Sec. 2, Art. 16, State Constitution.	
CITIES—	
See Municipal Corporations.	
CITY ATTORNEY—	
See Corporation Court.	
COMPLAINTS—	
See Corporation Court.	
CONDEMNATION—	
See Property.	
CORPORATION COURT—	
Creation of	26
Jurisdiction of	27
Seal of	28
Seal shall be attached, when.....	28
Complaints in, how commenced and concluded.....	29
City Attorney to prosecute in.....	29
County Attorney may also prosecute in, but no fees.....	29
City Council to prescribe rules of practice, etc.....	30
City Council to prescribe rules for collection of fines and costs.....	30
All fines and costs imposed by, to be paid into City treasury.....	31
Costs taxed to be provided by Ordinance.....	32
Costs in not to be greater than in Justice's Court.....	32
Jury and witness fees.....	33
Enforcing attendance of witnesses.....	33
Judge of may punish for contempt, how.....	34
Judge of may take recognizances, admit to bail, etc.....	34
Defendant entitled to one day's notice of complaint, if demanded....	35
Warrants issued by, directed to whom.....	36
Warrants issued by, may be executed where.....	37
Recorder to keep docket.....	38
What docket shall show.....	39
Certified transcript of docket to be filed, when and where.....	40
CORPORATIONS, MUNICIPAL—	
See Municipal Corporations.	
CORPORATIONS, PRIVATE—	
Power to tax, etc., shall not be suspended, etc.....	13
Municipal corporations shall not become stockholder in, etc.....	17
Municipal corporations shall not make donations to, etc.....	17
COSTS—	
See Fines and Costs.	
DEBTS—	
Legislature cannot release, etc., debts due municipal corporations...	11
Shall not be created without provision for payment of interest and creation of sinking fund.....	18

ii *Index to Extracts from State Constitution, Etc.*

DOCKET—	Section
See Corporation Court.	
DUELING—	
See Oath of Office.	
EMINENT DOMAIN—	
See Property.	
EXECUTION—	
See Municipal Corporations; Corporation Court.	
EX POST FACTO LAWS—	
Shall not be made.....	4
FEES—	
County Attorney not to receive fees in Corporation Court.....	29
City Council to prescribe rules, etc., for collecting, etc.....	30
FINES AND COSTS—	
Excessive fines shall not be imposed.....	3
City Council to prescribe rules, etc., to enforce collection of.....	30
City Council may by Ordinance provide for enforcement of collection by execution against property of defendant.....	30
City Council may prescribe rules, etc., to enforce collection of by im- prisonment of defendant.....	30
All to be paid into City treasury.....	31
Costs to be provided by Ordinance, not greater than in Justice's Court	32
FRANCHISES—	
See Special Privileges, etc.	
INTEREST AND SINKING FUND—	
See Debt; Taxation; Treasurer; Municipal Corporations.	
JURY AND WITNESS FEES—	
Same as in Justice's Court.....	32
LAWS—	
Legislature alone has power to suspend.....	9
MONOPOLIES—	
Shall never be allowed.....	7
MUNICIPAL CORPORATIONS—	
Irrevocable grants of special privileges, etc., shall not be made.....	5
Perpetuities and monopolies shall never be allowed.....	7
No power to suspend laws.....	9
Shall not grant extra compensation, etc., to public officer, etc.....	10
Power to tax corporations, etc., shall not be surrendered, etc.....	13
Taxes shall be equal and uniform.....	14
Property and incomes of, not subject to taxation.....	14
Occupation taxes shall be equal and uniform, etc.....	15
Occupation taxes levied by, shall not exceed one-half that levied by State	14
Railroad property shall bear proportionate share of taxes.....	16
Shall not become stockholders in or make donations, etc., to private corporations	17
Having more than 5,000 inhabitants, may by majority vote adopt, etc., Charter	18
Charter shall not be inconsistent with State Constitution, etc.....	18
Shall not levy tax to exceed two and one-half per cent taxable values	18
Debts shall not be created without provision for payment of interest and creation of sinking fund.....	18
Charter shall not be altered, etc., oftener than every two years.....	18
May levy, etc., taxes necessary to pay interest and provide sinking fund, etc.	19
Shall be levied separately from those for current expenses.....	19
The act levying shall specify the purpose.....	19
Such taxes may be paid in coupons, etc.....	19
Property of shall be exempt from forced sale, etc.....	20
May be constituted independent school district.....	21
Taxes for support public institution of learning may be levied, when	21
May establish rules authorizing arrest without warrant.....	47
OFFICERS—	
See Municipal Corporations; Peace Officers; Oath of Office; Corpora- tion Court.	
PEACE OFFICERS—	
Who are	40
Duties and powers of.....	41
May summon citizens to his assistance.....	42
Persons refusing to assist, liable to prosecution.....	43
Neglecting to execute process, may be fined for contempt.....	44
May arrest without warrant, when.....	45, 46

PEACE OFFICERS—(Continued)—	Section
Municipal authorities may establish rules for arrest without war-	
rant, when	47
May arrest without warrant when felony has been committed.....	48
Measures which may be adopted in making arrests without warrant.	49
Where offenders arrested must be taken.....	50
PERPETUITIES—	
Shall never be allowed.....	7
Irrevocable, etc., grants, special privileges, etc., shall not be made...	5
PETITIONS—	
Citizens may petition for redress, etc.....	8
PROPERTY—	
Shall not be taken, etc., without compensation.....	5
Compensation must be first made, when taken.....	5
Subject to taxation.....	14
Corporate, subject to taxation.....	13
Exemptions from taxation.....	14, 15
Railroad shall bear proportionate share of taxes.....	16
Public, exempt from taxation.....	20
PUBLIC PROPERTY—	
See Property.	
RAILROADS—	
Property of subject to taxation.....	16
RECORDER'S COURT—	
See Corporation Court.	
RETROACTIVE LAWS—	
Shall not be made.....	4
SCHOOLS—	
Legislature may constitute City independent school district.....	21
Two-thirds of taxpayers must vote for tax levy to support public	
institution of learning, etc.....	21
SEIZURES AND SEARCHES—	
The people shall be free from unreasonable.....	1
TAXATION—	
See Municipal Corporations; Corporations, Private; Property; Rail-	
roads.	
Power to tax corporations shall not be suspended, etc.....	13
Taxes shall be equal and uniform.....	14
Property shall be taxed in proportion to value.....	14
Occupation taxes shall be equal and uniform.....	15
Cities may collect one-half that collected by State.....	14
Exemptions from taxes.....	14, 20
Legislature may exempt by general laws, what.....	15
Railroad property subject to.....	16
Cities may by their Charters provide for tax of not exceeding two	
and one-half per cent on taxable values.....	18
Cities may levy, etc.....	19
Manner of levying, etc.....	19
Two-thirds of taxpayers must vote for tax to support public institu-	
tion of learning.....	21
TREASURER—	
Annual report of to Comptroller.....	23
Not to honor draft on sinking fund, except.....	24
Penalty for failure to report, diversion, etc.....	25
VOTES AND VOTERS—	
Privileged from arrest, when.....	12
WARRANTS OF ARREST—	
Issued by Recorder, directed to whom.....	36
Issued by Recorder, may be executed, where.....	37
Issued by Recorder, may be served by whom.....	35

THE REVISED
CODE OF ORDINANCES
OF THE
CITY OF HOUSTON
OF 1914
TO APRIL 8TH, 1914
IN HARRIS COUNTY, TEXAS

PREFACE

The plan pursued by me in revising the ordinances has been to put together in systematic form, that is, classify and divide into chapters, articles and sections, the whole body of the general ordinances, civil and penal (except those omitted) in force to the date mentioned therein. I have attempted to arrange alphabetically as far as possible the ordinance provisions relating to each particular subject matter, but, of course, some provisions might have been placed under one of several other subject matters. The main subject matters have been placed in chapters, and where I thought the subject matter required it, I have divided the chapters into articles to cover each sub-head or division of the subject matter of the chapter. I trust that this arrangement will prove satisfactory. The table of contents shows the various subject matters, and subdivisions, into which I have divided the Code, and should assist materially in finding the provisions of the ordinance sought, if there be any, where the index to the Code fails to furnish such information.

In indexing the Code it has been my purpose to cover the subject under more than one head, and by an elaborate system of cross references so as to facilitate the work of the users of the Code.

It is my earnest wish that the work will prove to be reasonably free from errors, and that its usefulness will justify the expense incurred in compiling, indexing and printing. I submit it, asking from the laity and the profession, that in criticising it they do so with charity, considering the difficulties necessarily encountered in doing such a work. If credit be

given me for any merit in the work it will compensate to a large extent for the merited criticisms to which it is subject.

The missing section numbers are occasioned by the fact that it was necessary to prepare the index before the Code was set into type, and sections subsequently eliminated, or those missed has caused some gaps which could not be filled without disarranging the index.

That where a section number in the index has immediately following it in parenthesis a letter or figure, it signifies that the reference is to that sub-section of the section.

Respectfully submitted,

E. P. PHELPS,

Compiler.

Houston, Texas,

April Eighth, Nineteen Hundred Fourteen.

Table of Contents

	Page
CHAPTER 1—AMUSEMENTS	9
Article 1—Moving Picture Machines.....	9
2—Moving Picture Shows	12
3—Theatres	14
4—Board of Censors.....	23
CHAPTER 2—AUDITORIUM	25
CHAPTER 3—AUTOMOBILES, REGULATION, ETC.....	27
CHAPTER 4—BUFFALO BAYOU	30
CHAPTER 5—CARRIERS	33
Article 1—Licenses, Regulations, Rates, Etc.....	33
2—Stands	40
CHAPTER 6—CHIMNEYS AND FLUES.....	44
CHAPTER 7—CITY COUNCIL	47
CHAPTER 8—CITY SECRETARY	53
CHAPTER 9—CONTROLLER	55
CHAPTER 10—CORPORATE LIMITS	58
CHAPTER 11—CORPORATION COURT	60
CHAPTER 12—DEFINITIONS	70
CHAPTER 13—ELECTIONS	71
Article 1—General, etc.	71
2—Primary	73
CHAPTER 14—ELECTRICAL DEPARTMENT.....	83
Article 1—Creation, etc.	83
2—City Electrician, etc.....	83
3—Construction, etc.	85
CHAPTER 15—ENGINEERING DEPARTMENT.....	98
Article 1—Creation, Officers, etc.....	98
2—Duties, etc., Officers, etc.....	99
3—Surveys, Subdivisions, etc.	103
CHAPTER 16—EXPLOSIVES, INFLAMMABLES, ETC.....	107
Article 1—Nitro Cellulose Films.....	107
2—Gasoline and Other Volatile Inflammable Liquids.....	111
3—Calcium Carbide	113
4—Oil	115
5—Miscellaneous	118
CHAPTER 17—FIRE DEPARTMENT.....	122
CHAPTER 18—FIRE MARSHAL.....	131
CHAPTER 19—HARBOR DEPARTMENT.....	134
Article 1—Board Harbor Commissioners.....	134
2—Franchises	141
3—Revenues	144
4—Penalties	146
5—Wharfmaster	146
CHAPTER 20—HEALTH	148
Article 1—Health Department	148
2—Board of Health.....	156
3—Health Officer	159
4—City Chemist and Bacteriologist.....	161
5—Nuisances	161

CHAPTER 20—HEALTH—Continued—	Page
6—Stables	165
7—Barber Shops	166
8—Garbage, etc.	167
9—Swimming Pools and Natatoriums.....	169
10—Street Cars, etc.....	171
11—Sewage	171
12—Privies, Vaults, Closets, Cesspools, etc.....	172
13—Physicians, Undertakers and Midwives.....	176
14—Contagious, Infectious and Pestilential Diseases.....	176
15—Milk and Milk Products, Regulating, etc., Sale of.....	181
16—Milk and Milk Products, Regulating, etc., Sanitary Conditions, etc.	183
17—Ice Cream, Regulating Manufacture, etc.....	190
18—Pure Food and Drugs.....	195
19—Food Products, Regulating Sanitary Conditions, etc..	201
20—City Market, etc., Regulating Sanitary Conditions, etc.	205
21—Cold Storage, Regulations, etc., Governing.....	206
22—Milk and Food Products, Condemnation, etc.....	207
23—Permits, Miscellaneous	208
24—Inspection, Miscellaneous.....	209
25—Construction	211
26—Vital Statistics.....	211
CHAPTER 21—LABOR	219
CHAPTER 22—LEGAL DEPARTMENT.....	220
CHAPTER 23—LIBRARY	221
CHAPTER 24—MARKET HOUSE, ETC.....	223
Article 1—Creation, Government, etc.....	223
2—Market Master.....	231
3—Inspection Country Produce, etc.....	233
CHAPTER 25—PARKS, ETC.....	235
CHAPTER 26—PAWNBROKERS, SECOND-HAND AND JUNK DEALERS	241
CHAPTER 27—POLICE DEPARTMENT	245
Article 1—Creation, Officers, etc.....	245
2—General Provisions Concerning.....	255
3—Private Watchmen, etc.....	267
CHAPTER 28—PUBLIC MORALS AND DECENCY.....	269
CHAPTER 29—PUBLIC PEACE AND ORDER.....	276
CHAPTER 30—PUBLIC POLICY	289
CHAPTER 31—PUBLIC SAFETY.....	297
CHAPTER 32—PUBLIC SCHOOLS.....	304
Article 1—Advisory Board to Trustees, etc.....	304
2—General Provisions.....	305
CHAPTER 33—PUBLIC UTILITIES.....	310
Article 1—Public Service Commissioner.....	310
2—Gas	314
3—Electric Light and Power.....	319
4—Telephones	324
CHAPTER 34—PURCHASING AGENT.....	335
CHAPTER 35—RAILWAYS	338
CHAPTER 36—SALOONS, REGULATIONS, ETC.....	350
CHAPTER 37—SEWERS, PLUMBING, ETC.....	357
Article 1—General Provisions.....	357
2—Laying of Lateral Sewers by Private Owners.....	391

	Page
CHAPTER 38—SOUTH TEXAS FAIR AND EXPOSITION COM- MISSION	396
CHAPTER 39—STEAM BOILERS AND ELEVATORS.....	398
Article 1—Boiler and Elevator Inspector, etc.....	398
2—Board of Examiners of Stationary Engineers.....	405
CHAPTER 40—STREET RAILWAYS.....	408
Article 1—Construction, Maintenance, Repairs, Operation, etc....	408
2—Fares, Transfers.....	418
CHAPTER 41—STREETS, SIDEWALKS, ETC.....	422
Article 1—Openings, etc.....	422
2—Construction, Repairs, etc.....	434
3—Obstructions	445
4—Awnings, Signs, etc.....	449
5—Poles	456
6—Bill Posting.....	459
7—Traffic (Street).....	463
8—Miscellaneous	473
CHAPTER 42—TAXES AND TAXATION.....	480
Article 1—Levies, etc.....	480
2—Occupation	481
3—Occupation (Liquor).....	488
4—Assessor and Collector.....	495
5—Rendition, Assessment, etc.....	498
6—Collection	508
7—Delinquent Tax Attorney.....	510
8—Delinquent, etc.....	511
9—Miscellaneous Provisions.....	515
CHAPTER 43—TREASURER	520
CHAPTER 44—WATER	522
Article 1—Creation, etc.....	522
2—Regulations, etc.....	525
3—Construction of Laterals by Individuals.....	540
CHAPTER 45—WEIGHTS AND MEASURES.....	545
Article 1—Sealer	545
2—Weights and Measures.....	548
3—Specific Articles, Sales of.....	552
4—General Provisions, Fixing Penalty, etc.....	556
CHAPTER 46—FINAL.....	558

AN ORDINANCE adopting and establishing a Revised Code of the general ordinances of the City of Houston, excepting ordinances covering the certain matters herein excepted, and declaring an emergency.

Be It Ordained by the City Council of the City of Houston:—

Section 1. That the following chapters, articles and sections shall hereafter constitute the revised code of the general ordinances of the City of Houston, civil and penal, excepting those ordinances covering those certain matters hereinafter specially excepted:—

CHAPTER I.

Amusements—Regulations, Etc., Concerning.

- Article 1.—Moving Picture Machines.**
2.—Moving Picture Shows and Rooms.
3.—Theatres, Etc.
4.—Board of Censors.

ARTICLE 1.

MÖVING PICTURE MACHINES.

Sec. 2. Definition "Picture Machine"—By the term "picture machine," as used in this article, is meant any machine or device operated by or with the aid of electricity adapted and used to project upon a screen or other surface picture, representations of any character which the public are admitted to view upon the payment of admission fee or otherwise. (Sept. 18, 1911, Ord. Bk. 3, p. 52, Sec. 1.)

Sec. 3. Picture Machines Must Conform to this Article—That no picture machine shall be installed, maintained or operated within the City of Houston except in conformity with the provisions of this article, provided that nothing in this ordinance shall apply to picture machines installed and operated in theatres or opera houses constructed in accordance with the building ordinances of the City of Houston. (Id., Sec. 2.)

Sec. 4. Enclosed in Metal Booth—Every picture machine installed, maintained or operated in the City of Houston shall be inclosed within a metal booth, the frame of which shall be composed of angle-iron not less than one inch by one inch by one-eighth inch ($1 \times 1 \times \frac{1}{8}$) properly braced to secure rigidity and securely riveted or bolted at the joints, and every such booth shall be sheathed and roofed with sheet-iron of not less than No. 20, B. & S. gauge, or with one-fourth inch hard asbestos board, in either case to be securely riveted or bolted to the angle-iron frame. The booth shall be floored with sheet-iron of not less than No. 20, B. & S. gauge, or with one-fourth inch hard asbestos board, in either case to be securely riveted or bolted to the iron frame. (Id., Sec. 3.)

Sec. 5. Non-Combustible Material to be Used in Construction, Fixtures, Etc.—All shelves, furniture and fixtures with-

in the said booth shall be constructed of non-combustible material and no material of any sort whatsoever of a combustible nature shall be permitted or allowed to be within such booth except the films used in the operation of the machine and the machine stand, which may be wood, covered with asbestos or metal. (Id., Sec. 4.)

Sec. 6. Ventilation of Booth—Each booth shall be provided with a metal pipe not less than six inches in diameter for ventilating purposes, and the said pipe shall project through the top or side of the booth and be extended outside the roof or outer wall of the building within which such booth is situated. (Id., Sec. 5.)

Sec. 7. Entrance Door to Booth; Construction, Etc.—The entrance door into the booth shall be no larger than two feet by five feet (2x5) and shall be of same construction as booth, and so arranged as to close automatically either by means of springs placed on the interior and riveted to the framework or by metal rope and weight attachment. The two latches of steel shall be provided, one twelve inches below the top and the other twelve inches above the bottom of the door; the latch bars shall be so connected by metal rod that one operation opens both latches. The orifice or opening for the operator's view, through which the picture is thrown, shall be no larger than 12x12 inches, and shall be provided with a gravity door of the same construction as the booth, which door shall be held down by fusible links placed in series with fine cords, so arranged that one of the links is suspended directly over the film when in the slide of the apparatus, or shall be so arranged as to be closed except when held open by pressure of the operator's foot. (Id., Sec. 6.)

Sec. 8. Electric Wiring, Switches, Exit Signs—All electric wiring in the booth must be provided with non-inflammable insulation, each lamp connected with a picture machine must be provided with separate switches located within the booth. There shall also be located within the booth a switch controlling the lights in the exhibition room. There shall be provided a separate system of lighting controlled by a switch located in the ticket office or other convenient place outside of operating booth operating fire-signal lamps, and there shall be one such lamp placed at each exit, with a transparent sign. Said sign shall be marked "EXIT" in letters not less than five inches high. The location of these signs shall be determined by the City Electrician. All electric wiring within the booth or ticket

office or exhibition room must be done in accordance with the National Electric Code, to the satisfaction of the City Electrician. (Id., Sec. 7.)

Sec. 9. Incombustible Magazines, Condensers, Films Not in Machine—All picture machines shall be equipped with incombustible magazines for receiving and delivering the film during the operation of the machine. A shutter must be provided and placed in front of the condenser of each machine, so arranged as to remain closed until held open by pressure of the operator's foot, or other approved device that will insure the immediate dropping of the shutter when operation of the machine is stopped. The films not in the machine shall be kept in metal boxes with tight fitting covers, within the booth enclosing the machine. (Id., Sec. 8.)

Sec. 10. Operator Not to Be Under 18—No person under the age of 18 years shall operate or be permitted to operate any picture machine within the City of Houston. (Id., Sec. 9.)

Sec. 11. Machines, Prohibition as to Installation, Etc.—No picture machine shall be installed, maintained or operated in any building that does not abut directly upon a street, except on the roofs of strictly fireproof buildings as hereinafter provided, nor shall any machine be installed, maintained or operated in connection with any exhibition room that does not immediately abut and directly abut upon a street, except on the roofs of strictly fireproof buildings as hereinafter in this chapter provided. In exhibition rooms directly abutting upon but one street the booth enclosing picture machines shall be placed at the end of the room which is opposite and farthest from the street.

In exhibition rooms located at the corner of and abutting upon two streets, or a street and an alley, the booth enclosing picture machine may be located at the end of the room opposite to and farthest from either street or alley. (Amendment May 28, 1913, Ord. Bk. 3, p. 363, Sec. 1.)

Sec. 12. Penalty—Any person, firm or corporation who shall violate any provision of the preceding sections of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof in the Corporation Court shall be fined in any sum not less than ten dollars nor more than two hundred dollars, provided that each day such person, firm or corporation shall operate in violation of this article shall be deemed a separate offense. (Sept. 1, 1911, Ord. Bk. 3, p. 52, Sec. 14.) •

ARTICLE 2.

MOVING PICTURE SHOWS AND ROOMS.

Sec. 13. Permit for Show; How Procured, Etc.; Bond—

No moving picture show or exhibition by picture machine shall be open to the public or operated in the City of Houston unless a permit shall have been first secured from the City Council; that said permit shall issue only after an application made in writing at an open session of said Council, which application shall be referred to the Commissioner in charge of the Fire Department for investigation, and said Commissioner shall report at the next succeeding meeting whether or not all ordinances have been complied with, and unless said report is in affirmative and recommends the granting of said permit the same shall not be granted. Before said application is returned to the City Council for final approval, it shall be approved by the City Electrician and the Fire Marshal. That before said permit is issued the applicant shall file with the Mayor good and sufficient bond in the penal sum of one thousand dollars, conditioned that he will operate said exhibition or moving picture show in strict accordance with the ordinances of the City of Houston, and until said bond is executed and accepted by said Mayor it shall be unlawful to open or operate said picture show or public exhibition. The City of Houston reserves the right, and it shall be its duty, to cancel said permit and close up place of exhibition or entertainment whenever same is not operated in strict compliance with the ordinances of said city. All picture shows now in operation shall comply with this chapter, to the satisfaction of the City Council; provided, that any who do not comply herewith shall be deemed a menace to public safety and shall be closed up and discontinued. (Id., Sec. 12.)

Sec. 14. Exits from Exhibition Rooms, Etc.; Other Arrangements—Every exhibition room directly abutting upon but one street shall have at least two (2) exits opening directly upon the street, not less than six feet (6 ft.) in width, and the curtain upon which the picture is projected shall be stretched across the end of the room nearest the street and so arranged that the bottom of said curtain shall be at least six and one-half feet (6½ ft.) from the floor, leaving exit and entrance room beneath, and no seat shall be placed nearer than ten feet (10 ft.) to said curtain; and no such room shall exceed fifteen hundred (1500) square feet of floor space to be occupied by sittings.

Every exhibition room located at the corner of and abutting upon two streets, or a street and alley, shall be provided with at least three (3) exits, two (2) upon one street and at least one (1) upon the other street or alley, said exits to be not less than six feet (6 ft.) wide; and no such exhibition room shall exceed twenty-five hundred (2500) square feet of floor surface to be occupied by sittings.

Exhibition rooms abutting directly upon three (3) streets, or on two (2) streets and an alley, shall not exceed five thousand (5000) square feet of floor space to be occupied by sittings, and shall have at least two (2) exits upon each of the three (3) sides adjacent to said streets and alley, respectively, said exits to be not less than six feet (6 ft.) wide.

An open court leading directly to a street or an alley and not less than six feet (6 ft.) in width shall be deemed an alley for the purpose of this section.

All seats in any exhibition room for picture machines shall be securely fastened to the floor and shall be so arranged that there will not be more than seven (7) seats in a row, between aisles, and rows of seats shall be at least thirty inches (30 in.) apart.

There shall be at least one (1) aisle through the center of the room, and said aisle shall be at least four and one-half feet ($4\frac{1}{2}$ ft.) wide; and all other aisles shall be at least three feet (3 ft.) wide.

All doors shall be arranged to swing outward and provided with approved fastenings.

All exits and entrances shall open directly from the exhibition room upon a street or alley.

All aisles shall lead directly to exits and all exits shall be directly accessible to aisles. There shall be no steps or stairways at the exits and entrances of any such exhibition room or moving picture show.

No exhibition room or moving picture show shall contain any gallery or balcony, and no such moving picture show shall be located above the first story or the ground floor of any building, unless the building is strictly fireproof, when same may be located on the roof thereof, provided it has a coping around it at least forty-two inches high measuring from the roof; and the exits and entrances shall be on a level with the sidewalk, except on the roofs of strictly fireproof buildings, as above provided. (Amendment May 28, 1913; Ord. Bk. 3, p. 363, Sec. 1.)

Sec. 15. Penalty—Any person, firm or corporation who shall violate any provision of the preceding sections of this article shall be deemed guilty of a misdemeanor, and upon conviction thereof in the Corporation Court shall be fined in any sum not less than ten dollars nor more than two hundred dollars, provided that each day such person, firm or corporation shall operate in violation of this article shall be deemed a separate offense. (Sept. 1, 1911; Ord. Bk. 3, p. 52, Sec. 14.)

ARTICLE 3.

THEATRES, ETC.

Sec. 16. Permit Necessary to Conduct Theatre, Etc.—That any person seeking to conduct any theatre or other place of public amusement shall first procure a permit from the City Council of the City of Houston. (Nov. 19, 1906; Ord. Bk. 2, p. 332, Sec. 1.)

Sec. 17. Application in Writing to Council for Permit; Contents—Said permit shall be granted only upon application in writing made to said City Council by the person or persons desiring to operate said theatre or other place of public amusement. Said application shall state:

- (a) The names of all persons applying for said permit.
- (b) The exact location of said theatre or other public amusement.
- (c) Whether all ordinances and laws with reference to fire protection in theatres have been fully complied with, and, specifically, what has been done in this regard.
- (d) Its proximity to any saloon, either existing or in contemplation, and the character of business, or residence or occupation on the block in which it is sought to establish said theatre or place of public amusement, and in the block in front thereof, and whether the owners and occupants of said two blocks object to the proposed theatre or place of public amusement being conducted at said place.
- (e) The character and grade of entertainment to be given in said place of public amusement.
- (f) The hours during which said place is to be kept open to the public. (Id., Sec. 2.)

Sec. 18. Mayor and Aldermen May Refuse Permit—It shall be the duty of the Mayor and Aldermen to investigate said application and inquire into all facts in connection with said proposed place of entertainment, and if in their judgment

said proposed place of public entertainment is of such character as in any way to interfere with the preservation of peace, good order, tranquillity, public safety and good morals, or to affect injuriously the rights of the surrounding property owners, or their tenants, said permit shall not be issued. (Id., Sec. 3.)

Sec. 19. Applicant Must Give Bond—That before said permit shall issue, said applicant shall execute a good and sufficient bond in the penal sum of One Thousand Dollars (\$1,000), payable to the Mayor of the City of Houston, conditioned only upon the conducting of said place of public amusement in such manner as to preserve order, tranquillity and public safety and good morals. (Id., Sec. 4.)

Sec. 20. All Existing Theatres to Comply—All existing theatres and places of public amusement operating under a permit already issued shall apply for a permit hereunder and become subject to the terms of this article. (Id., Sec. 5.)

Sec. 21. Penalty—Any person or persons operating a theatre or place of public amusement without first obtaining a permit as herein provided shall be guilty of an offense, and shall upon conviction thereof in the Corporation Court be fined in any sum not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00), provided that each day said place is kept open without said permit shall constitute a separate offense, and provided further that each actor, attendant and person engaged in any way in giving said entertainment (other than the persons operating said theatre) in violation of the foregoing provisions of this article shall be guilty of an offense, and shall upon conviction thereof in the Corporation Court be fined in any sum not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00). (Id., Sec. 6.)

Sec. 22. Theatres, Etc., to be Provided With Exits, Etc.—That every theatre, opera house, or place of public amusement in the City of Houston, or building reconstructed to be used as a theatre, or for similar purposes, shall for the purpose of affording safe exit to the public in case of fire or panic, be constructed in accordance with the provisions of this article.

Number of Exits:

Every theatre or place of public entertainment accommodating three hundred (300) persons shall have two (2) exits

at least; when accommodating five hundred (500) persons, at least three (3) exits shall be provided.

Width of Doors:

No doorway or exit or entrance for the use of the public shall be less than five (5) feet in width.

Increase:

And every additional one hundred (100) persons or portion thereof to be accommodated, in excess of five hundred (500), twenty (20) inches of additional width of exit must be allowed.

How Opened:

All doors of exit must open outward, and such doors shall not be locked or barred during any presentation or when the building is open to the public; and it shall be the duty both of the persons in charge of the building and also of those in charge of the particular entertainment, prior to the beginning of the entertainment, to carefully go over all the exits and see that the doors are unlocked and unbolted, that they open freely, and that the passageway from same to the street is clear and unobstructed, and the failure to do so, or the failure to have all of said exits unlocked and unbolted, and the passageways free and unobstructed, is an offense on the part of every person on whom said duty is imposed, and punishable under the terms of this article.

Separate Exit:

Distinct and separate places of exit and entrance shall be provided for each gallery above the first.

One Exit, When:

A common place of exit and entrance may serve for the main floor of the auditorium and first gallery, provided its capacity be equal to the aggregate capacity of the outlets from the main floor and the said gallery, and provided additional exits be made from the second gallery.

Width of Stairways:

The width of stairways serving for the exit for the audience shall be one foot in width for each one hundred (100) people, and in no case shall the width of such stairway be less than five (5) feet.

All stairways leading from the main auditorium shall be of fireproof material, where the building is situated within the fire limits.

Risals:

In no cases shall the risals of any steps exceed seven (7) inches in height, nor shall the treads be less than eleven (11) inches in straight stairs.

Landings:

When straight stairs return directly on themselves, a landing the full width of both flights, without steps, must be provided.

Angles:

Stairs running at an angle must have a proper landing at said turn, introduced with winders.

Diagrams:

A diagram of the theatre, showing all exits, shall be published in each theatre program, covering the whole of the front cover.

Exit Signs:

And every exit shall have over the same, on the inside, the word, "Exit," printed in legible letters not less than eight (8) inches high, and shall be designated by a red light. Or each exit may be designated by an eight (8) inch red globe containing a light, with the word "Exit" painted thereon in legible letters of four (4) inches.

Emergency Exit, Etc.:

Emergency exit and doors in wall, not directly related to the main entrance of buildings of this class, shall be provided with space equivalent to twenty (20) inches for each one hundred (100) of seating capacity provided on each floor, gallery and balcony. Fire escapes shall be provided therefrom in accordance with the provisions of this article.

Buildings of this class shall be provided with exits on at least two (2) public highways.

Storage, Etc., Prohibited:

Open space in corridors or arcades or other passageways are not to be used for storage purposes or for any purpose whatsoever, except for the several exits from the auditorium and stage, and must be kept free and clear during the entire performance, and any arcade opening upon streets or alleys shall be open and unenclosed at all times and free from all obstructions whatsoever.

Auditorium Exits:

From the auditorium shall be at least two (2) exits, unless one side is on the street, in which case there shall be more than two (2) in each tier, from and including the parquet and each and every gallery.

Width:

Each exit shall be at least five (5) feet in width in the clear and provided with doors opening outward.

Doors Not Bolted:

All doors shall be opened outwards and must be fastened with movable bolts, the bolts to be kept drawn during the performance.

Balcony Exits:

Where a theatre or other public place of amusement has projections of a substantial character and unobjectionable appearance, and proper stairways therefrom shall be provided, this balcony projection for the different exit levels may be used in lieu of fire escapes. In no case shall columns be placed so as to obstruct any passageway; and when in the fire district such balconies and stairways shall be of fireproof material.

Doorways:

Every opening or communication between aisles in the auditorium and any lobby, corridor or passage, shall have clear opening of not less than five (5) feet in width.

Passageways:

No passageways leading to any stairway communicating with any entrance or exit shall be less than four (4) feet in width in any part thereof.

Obstructions:

All aisles and passageways in said building, devoted to said purpose of amusement or instruction, shall be kept free from camp stools, chairs, sofas, stoves or any other obstructions. (Mar. 30, 1908; Ord. Bk. 2, p. 461, Sec. 1.)

Aisles, Etc., Kept Clear:

No person or persons shall be allowed to stand in or occupy any of the aisles or passageways or the foyer or space in the rear of the seats in any theatre during any performance, service, exhibition, show, lecture, concert, ball or any other public assembly, and no ticket shall be sold by any theatre, manager, or person whomsoever, for standing room in any the-

atre, picture show or place of public entertainment, but all aisles, vacant space in the rear of the seats or elsewhere, must be kept open and free from congestion of any sort.

Any person violating the next preceding provision by standing in the aisles, foyer or other vacant space during any performance in violation hereof shall be guilty of an offense and upon conviction thereof in the Corporation Court shall be fined in any sum not less than One Dollar (\$1.00) nor more than Two Hundred Dollars (\$200.00), and any person who shall sell a ticket for such standing room in any theatre, playhouse, picture show or other place of entertainment, or shall permit persons to stand in the aisles, and in the rear of foyer of such place of entertainment in violation of this provision shall be guilty of an offense and upon conviction thereof in the Corporation Court shall be fined in any sum not less than One Dollar (\$1.00) nor more than Two Hundred Dollars (\$200.00). (Amendment May 15, 1911; Ord. Bk. 3, p. 31, Sec. 1.)

Sec. 23. Concerning Buildings and Permits Contrary to Preceding Section—No building shall be constructed contrary to the terms of this article, nor shall any permit issue for the construction of any building contrary to the terms of this article, nor if issued shall same be of any validity nor afford any protection against prosecution to any person violating the terms of this article. (Id., Sec. 2.)

Sec. 24. Penalty—Any person violating any of the terms of Section 22, where no other penalty is provided, shall be guilty of an offense, and on conviction in the Corporation Court shall be fined in any sum not exceeding Two Hundred Dollars (\$200.00) for each offense. (Id., Sec. 3.)

Sec. 25. Unlawful to Construct, Etc., Contrary to Ordinance, Etc.; When Proper Permit Granted; Penalty—Should any person obtain a permit for the construction of a building in accordance with the terms of this article, and thereafter proceed to construct or have constructed the same, contrary to the terms thereof, or otherwise than as described in the plans and specifications filed with the City Engineer, such person, and every person working on said building shall be guilty of an offense, and on conviction in the Corporation Court shall be punished by a fine of not more than Two Hundred Dollars (\$200.00) for each offense, and it shall be a separate offense in all persons for each day that said building is being constructed, and it shall also be a separate offense in the owner of said building for each day that same is permitted to re-

main constructed contrary to the terms of Sections 22 and 23. (Id., Sec. 4.)

Sec. 26. Buildings Not Constructed as Required, a Nuisance—Any building constructed contrary to the terms of this article is declared a menace to the public safety and a nuisance and shall be abated. (Id., Sec. 5.)

Sec. 27. Theatre Buildings Now Used, Etc., to Be Provided With Exits; Offense—The owners or lessees of theatre buildings or other buildings which are used for purposes of public amusement, and in which people congregate in large numbers, in which buildings reasonably safe exits for the public in times of panic or fire do not now exist as prescribed by the terms of this article, shall provide such reasonably safe exits to the satisfaction of the Building Inspector of the City of Houston, and in doing so shall conform as nearly as practicable to the terms of this article, failing in which it shall be unlawful either in the owner of said building, or any other person, to use or permit to be used said building for theatrical purposes or other purposes of public entertainment, and the person so doing shall be guilty of an offense under this article and subject to the penalties hereinbefore prescribed. (Id., Sec. 6.)

Sec. 28. Unlawful to Smoke in, Etc., Any Theatre, Etc.; Penalty—That it is hereby declared unlawful for any person to smoke in or about any theatre, moving picture show, vaudeville show, or other place of public amusement, and any person violating this provision shall be guilty of an offense, and on conviction in the Corporation Court shall be fined in any sum not less than Five Dollars (\$5.00) nor more than Twenty-five Dollars (\$25.00) for each offense. (Dec. 20, 1909, Ord. Bk. 2, p. —, Sec. 1.)

Sec. 29. Unlawful to Use Oil Stove in Theatre, Etc.; Penalty—It is hereby declared unlawful for any person or corporation to use in any theatre, moving picture show, vaudeville show or other place of public amusement any oil stove or other movable stove which is likely to be overturned in any crowd or panic, and any person or corporation violating this provision shall be guilty of an offense, and on conviction thereof in the Corporation Court shall be punished in any sum not less than Ten Dollars (\$10.00) nor more than Two Hundred Dollars (\$200.00) for each offense, and it shall be a separate offense for each day that such stove is so used. (Id., Sec. 2.)

Sec. 30. Stove to Be Used Must Be Approved; Penalty; Theatres, Etc., Now Conducted Subject—The owner, proprietor, manager or other person conducting or operating a theatre, moving picture show, vaudeville show or other place of public amusement shall, before using any stove or other heating device or apparatus in such place, submit in writing an accurate description of the stove or heating apparatus intended to be used in such place to the Chairman of the Fire Committee of the City Council of the City of Houston; and it shall be unlawful for such person or corporation to use such stove or heating apparatus in such place unless same has been so submitted to the Chairman of the Fire Committee and has been approved by him before same is used. And it shall be a separate offense for each day that such stove or heating apparatus or device which has not been so approved by the Chairman of the Fire Committee of the City Council is used in such place, and any person guilty of violating this section shall on conviction thereof in the Corporation Court be punished for each offense by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00). (Id., Sec. 3.)

Sec. 31. Fire Extinguishers to Be Kept, Etc.; Penalty—Any person or corporation operating or running a theatre, moving picture show, vaudeville show or other place of public amusement where people congregate, shall keep and maintain in such establishment one or more chemical fire extinguishers as directed by the Chairman of the Fire Committee of the City Council, and on failure to do so shall be guilty of an offense, and on punishment therefor in the Corporation Court shall be fined in any sum not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00) for each offense, and it shall be a separate offense for each day that such chemical fire extinguisher or extinguishers is not maintained and kept in such place, after being so directed by the Chairman of the Fire Committee of the City Council. (Id., Sec. 4.)

Sec. 32. Unlawful to Sleep in Theatre, Etc.; Penalty—Any person who sleeps in any theatre, playhouse or house where spirituous, vinous or malt liquors are kept for sale shall be fined not less than One nor more than One Hundred Dollars. (May 22, 1905; Ord. Bk. 2, p. —, Sec. 1.)

Sec. 33. Exceptions to Preceding Section—The preceding section shall not apply to owners or proprietors of such places, nor to persons regularly employed therein. (Id., Sec. 2.)

Sec. 34. Unlawful to Conduct Masked Balls, Etc., Without Permit—That it shall be unlawful for any person or persons to hold or conduct, or for any property owner or tenant to permit to be held or conducted on their property, any masked ball or any dance or other public entertainment in which the persons participating therein are masked or otherwise disguised, unless a permit shall first have been procured from the Mayor of the City authorizing the holding of such masked ball or dance, and designating the time and place at which same is authorized to be held. (Feb. 2, 1910; Ord. Bk. —, p. —, Sec. 1.)

Sec. 35. Unlawful to Enter, Etc., Place Where Masked Ball, Etc., Held, Etc., Unless Permit Has Been Issued—It shall be unlawful for any person to enter a place where a masked ball or dance is being held or to appear on the public streets with a mask on, or otherwise disguised, going to or returning from any masked ball or dance, unless such masked ball or dance shall have been duly authorized by a license issued by the Mayor as provided by this article. (Id., Sec. 2.)

Sec. 36. Penalty—Any person or persons violating any of the terms of the next two preceding sections shall be guilty of an offense and upon conviction thereof in the Corporation Court shall be fined in any sum not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) for each offense. (Id., Sec. 3.)

Sec. 36a. Theatres Shall Furnish Clean, Etc., Programs—That the manager of every theatre or opera house in the City of Houston, exclusive of moving picture theatres used exclusively for exhibiting moving pictures, shall furnish clean and unused programs in sufficient number to supply each patron therewith at each and every performance given therein. (Mar. 19, 1914; Ord. Bk. 4, p. —, Sec. 1.)

Sec. 36b. Penalty, Persons in Charge Theatre—Any person in charge of a theatre or opera house affected hereby who shall fail or refuse to furnish to each patron at each performance therein a clean program, or who shall furnish or suffer or permit to be furnished to any patron of said theatre a dirty or used program, shall be guilty of an offense, and upon conviction shall be fined not less than One Dollar (\$1.00) nor more than Fifty Dollars (\$50.00). (Id., Sec. 2.)

Sec. 36c. Penalty, Employee or Usher in Theatre—Any employee or usher in any theatre or opera house affected here-

by, who shall furnish to any patron of said theatre a dirty or used program at any performance therein, shall be deemed guilty of an offense, and upon conviction shall be fined not less than One nor more than Fifty Dollars. (Id., Sec. 3.)

ARTICLE 4.

BOARD OF CENSORS.

Sec. 37. Creation; Duties—That the Mayor of said City is hereby authorized to appoint a Board of Censors consisting of three discreet persons, whose duty it shall be to investigate all such places of public entertainment as are immoral or tend to inculcate and promote immorality. Said Board of Censors shall serve without compensation for a period of two years unless sooner relieved by the Mayor. An itemized statement of admission fees paid by each member of said Board in the discharge of his duties herein shall be refunded by the City. (Dec. 12, 1910; Ord. Bk. 3, p. 19, Sec. 1.)

Sec. 38. Additional Duties; Reports and Recommendations—It shall be the duty of said Board, either individually or in a body, to visit periodically all places of public amusement and to inspect the character of entertainment therein given, or that is about to be given. And said Board or any member thereof is hereby authorized and it shall be his or their duty to notify the Mayor in writing of any place of entertainment that is immoral, or that tends to inculcate or promote immorality, or that threatens, offers, or advertises to give any immoral or improper entertainment, with the recommendation that said place or places be closed up and discontinued and the permit to conduct same cancelled, or the threatened immoral or improper entertainment stopped. (Id., Sec. 2.)

Sec. 39. Hearings Before Mayor on Reports; Action to Be Taken by Mayor—It shall be the duty of the Mayor to receive and file said reports and to notify the manager or proprietor of said place of entertainment so reported, so that said manager or proprietor may be given a hearing before the Mayor as to character of entertainment, and if in the Mayor's judgment such entertainment is immoral or improper, then and in that event he shall prevent the giving of said entertainment, and shall suppress same, and may cancel and annul the permit by authority of which said place of entertainment is operated. (Id., Sec. 3.)

Sec. 40. Penalty—Any person who shall fail or refuse to close up and discontinue his place of entertainment after hav-

ing been notified to do so by the Mayor, or shall operate his place of entertainment after his permit to do so has been cancelled, as provided herein, or shall give or participate in any show or entertainment, condemned by the Mayor, shall be guilty of an offense and upon conviction thereof in the Corporation Court shall be fined in any sum not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00), provided that each separate show or entertainment given in violation of this section shall constitute a separate offense on the part of the owner or manager of such show or entertainment, and also upon the part of each actor or player performing any part in such show or entertainment. (Id., Sec. 4.)

CHAPTER II.

Auditorium.

Sec. 41. Creating Board of Trustees; Management and Control—That the municipal auditorium, belonging to the City of Houston, and located at the corner of Texas Avenue and Louisiana Street, shall be placed under the control, care and management of a Board of Trustees, to be appointed by the Mayor, for a period of two years from the date of their appointment; that it shall be the duty of said Trustees to take active management and control of said auditorium and to manage same to the best interests of the City of Houston, as their judgment shall direct. (Nov. 6, 1911; Ord. Bk. 3, p. 59, Sec. 1.)

Sec. 42. Rules and Regulations to Be Enforced by Board and Manager—That in the management and operation of said auditorium the said Board of Trustees, and the Manager selected by them to have charge of said auditorium, shall be charged with the enforcement of the following rules and regulations:

First: The driving of nails or tacks into any part of said building; the painting or staining of any part of said building; the removal of parts, are hereby strictly forbidden, and said acts, or any of them, or any act that will mar, deface or injure, in any way, any portion of the said building, is hereby strictly prohibited.

Second: That the said Trustees, through their manager, are hereby authorized to eject any person from the building whose conduct is such, in their judgment, as to demand said action.

Third: That no smoking shall be allowed in the main auditorium or assembly room of said building and that the spitting upon the floors, anywhere in said building, shall be and is hereby prohibited.

Fourth: That all persons desiring to use said building for the purpose of public entertainments, at which an admission fee is charged, shall, before being permitted to do so by said Board of Trustees, enter into a written agreement with said Board, or a majority of the members thereof, and said contract shall stipulate the terms upon which said building may be used, and the time of each engagement, and shall expressly

exempt and release said City from all damage of whatsoever kind, either to persons or property, which may accrue, and said contract shall fully apprise such persons desiring to use said building that they use same at their own risk. (Id., Sec. 2.)

CHAPTER III.

Automobiles, Etc.—Regulation, Etc.

Sec. 43. Automobiles, Etc., Must Be Registered, Etc.—

It shall be unlawful for any person to operate on the streets and ways of the City of Houston any automobile or other motor vehicle without first having registered his name and the number of said vehicle with the City Assessor and Collector of Taxes, and said number thus registered shall be at all times displayed on the rear end of said vehicle in Arabic figures not less than six inches in height; provided, that where the county registry number is displayed in a similar manner, it will be deemed sufficient for the purpose, and two registry numbers will not be required; provided, further, that no fee shall be paid said Assessor and Collector for registering said vehicle. (May 6, 1907; Ord. Bk. 2, p. 380, Sec. 1.)

Sec. 44. Assessor and Collector to Keep Register—

It shall be the duty of the City Assessor and Collector of the City of Houston, or such other officer as may hereafter be designated for that purpose, to keep a well bound book, in which shall be entered a list of all owners of automobiles to whom numbers have been allotted, showing the names of the owner of such automobiles, the numbers assigned to them by the City Assessor and Collector, and the date of the issuance of same. The numbers shall be assigned to the respective owners of such automobiles in the order in which same are applied for. (June 12, 1905; Ord. Bk. 2, p. 204, Sec. 2.)

Sec. 45. Unlawful to Operate Without Number—

It shall be the duty of every person owning, controlling or operating any automobile within the City of Houston, before running or operating same upon any of the streets or ways of said city, to ascertain from the City Assessor and Collector, or other officer herein mentioned, the number to be assigned to him, as herein provided, and he shall then, at his own cost and expense, procure a number for such automobile, and shall at all times, whenever such automobile is being operated or run on any of the streets or ways of the City of Houston, place such number upon same in such a manner that the number will be conspicuously exposed to pedestrians, or other persons upon or traveling along such street or way of the City of Houston, and shall be so legible that such number can be

easily read or ascertained by any such person or persons so traveling along or upon such streets or ways. (Id., Sec. 3.)

Sec. 46. Penalty—Any person violating any of the provisions of the next three preceding sections shall, upon conviction, be fined in any sum not less than Five nor more than Fifty Dollars, and in case of the operation of any such automobile in violation of the provisions thereof, both the owner of such automobile and the person so operating it shall be deemed guilty of such violation, and upon conviction shall be punished as herein provided. (Id., Sec. 4.)

Sec. 47. Unlawful for Person Under 18 Years Old to Operate—It shall be unlawful for any person under the age of eighteen (18) years to operate any automobile or other motor vehicle upon the streets or ways of the City of Houston. (May 6, 1907; Ord. Bk. 2, p. 382, Sec. 4.)

Sec. 48. Signal Lights to Be Provided—It shall be unlawful for any person to operate or leave standing on the streets of the City of Houston after dark any automobile or other motor vehicle unless said machine is provided with signal lights in front and on the rear end thereof; and said rear light shall be so adjusted as to illuminate and make visible the number of said machine at night time; and it shall not be a compliance with the requirement of this section for the side lights to the front of the automobile or vehicle to be kept burning, but to comply with the requirement of this section the headlight and both of them on the automobile or vehicle must be burning and casting a strong illumination in front of the vehicle. (Amendment Oct. 10, 1910; Ord. Bk. 2, p. 588, Sec. 1.)

Sec. 49. Right to Civil Action Not Abridged—Nothing in this chapter shall be construed to curtail or abridge the right of any person to prosecute a civil action for damages by reason of injuries to persons or property resulting from the negligent use of the streets or ways of the City of Houston by any motor vehicle, its owners, his employee, or agent. (May 6, 1908; Ord. Bk. 2, p. 382, Sec. 6.)

Sec. 50. Penalty—Any person violating any provision of the next three preceding sections shall be deemed guilty of an offense, and upon conviction thereof shall be fined in any sum not less than Five Dollars nor greater than One Hundred Dollars. (Id., Sec. 6.)

Sec. 51. Mufflers; When Required—Every motor vehicle propelled by an internal combustion engine, when such motor

vehicle is on any street, road, avenue, alley, park or public place within the City of Houston, shall, when such engine is running, be equipped with a muffler or silencer through which all of the exhaust gases from the engine will escape into the atmosphere, so arranged as to reduce, so far as possible, the noise which would otherwise be caused by the escape of said gases. (April 15, 1912; Ord. Bk. 3, p. 77, Sec. 1.)

Sec. 52. Allowance Exhaust Gases to Escape, Etc.—The operator or driver of any such motor vehicle shall not use any cut-out, fitting or other apparatus or device which will allow the exhaust gases from the engine of such motor vehicle to escape into the atmosphere without first passing through a muffler or a silencer, as described in the next preceding section. (Id., Sec. 2.)

Sec. 53. Penalty—Any person, firm or corporation who shall violate the next two preceding sections shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than Ten Dollars nor more than Fifty Dollars. (Id., Sec. 2.)

CHAPTER IV.

Buffalo Bayou, Etc.

Sec. 54. Contaminating Water of Buffalo Bayou Above the Water Works Dam—All persons are hereby prohibited from entering, or causing animals of any kind to enter, Buffalo Bayou above the dam of the Waterworks Company in the City of Houston, for any purpose whatever; and from putting or causing to be put any filth or garbage of any description into said water; and from committing any nuisance of any description whatever therein; or from bathing therein; and from placing filth or garbage of any kind on the banks thereof, or adjacent thereto, from which the water of said bayou is liable to be in any manner contaminated. And any person who shall so offend must be fined not less than Twenty-five nor more than One Hundred Dollars. (Code 1904, Art. 959.)

Sec. 55. Bathing in the Bayous—It shall not be lawful for any person to bathe in a nude state in any of the waters of Buffalo or White Oak Bayous within the corporate limits of the City of Houston between sunrise and sunset, and any person who shall so bathe in said waters shall be fined in a sum of not less than Five nor more than One Hundred Dollars. (Id., Art. 960.)

Sec. 56. Erecting Slaughter House or Soap Works Above the Waterworks Dam; Penalty; Nuisance—It shall be unlawful for any person to erect any slaughter house or soap factory on or near the banks of Buffalo Bayou, within the corporate limits of the City of Houston, above the dam of the Waterworks Company, or upon any ravine or gully tributary to or running into Buffalo Bayou above said dam. And any person so offending shall be fined in the sum of ten dollars for each and every day such slaughter house or soap factory or other business is operated or carried on. Any such slaughter house, soap factory or other business liable to contaminate the waters of Buffalo Bayou is hereby declared to be a nuisance, prejudicial to the health of the city, and the Chief of Police of said city, upon the order of the Health Officer, shall immediately cause the same to be abated. (Id., Art. 961.)

Sec. 57. Depositing Refuse, Etc., in or Along Margin of Buffalo Bayou Prohibited, and Penalty—It shall be unlawful

for any person, firm or corporation to place, throw or deposit, or cause to be placed, thrown or deposited, in the waters of Buffalo Bayou, within the limits of the City of Houston, or along the margin of said bayou, or between the edge of the water of said bayou and the top of the bank thereof, or within twenty feet of the edge of the top or the highest point of the bank of said bayou, within such limits of the City of Houston, any garbage, vegetable, animal or mineral matter or substance, dung, carrion, dead animals, offal, or nauseous liquid, any trash, shavings or chips, either of wood or metal, or any substance or material of any character calculated to narrow or fill up said bayou, or to obstruct navigation thereon, or cause sickness within the limits of said City of Houston. Any person, firm or corporation violating this section, or any provision thereof, shall, upon conviction, be fined in any sum not less than Twenty-five Dollars and not more than Two Hundred Dollars. (Id., Art. 962.)

Sec. 58. Unlawful to Discharge Waste Oils, Etc., in Bayou—That it shall be unlawful for any person, firm, corporation, or receivers thereof, owning or operating any factory, manufacturing plant, or commercial enterprise of any nature whatever, or for any person whatsoever, to discharge waste oil or oils, inflammable liquids, or inflammable volatile substances of whatsoever kind, into Buffalo Bayou or White Oak Bayou, or the tributaries of either. (Mar. 26, 1906; Ord. Bk. 2, p. 256, Sec. 1.)

Sec. 59. Where Such Substances Reach and Flow in, Constitutes Offense—That any person, firm, corporation, or receivers thereof, who deposits, or allows to be deposited, the aforesaid inflammable substances, or any of them, in such place or position, or in such manner as that said substances actually do, immediately or mediately, reach and flow into said streams, or any of them, shall be deemed guilty of discharging said substances into said bayous, as aforesaid, and shall be subject to all penalties hereinafter provided. (Id., Sec. 2.)

Sec. 60. Discharging of Refuse Oils, Etc., in Bayous Declared Nuisance—That this discharging of refuse oils and other inflammable fluids and substances into Buffalo and White Oak Bayous, and the tributaries thereof, is a menace to the property rights of persons doing business on or in the vicinity of said bayous, and is hereby declared a nuisance. (Id., Sec. 3.)

Sec. 61. Penalty—That any person, firm, corporation, or receivers thereof, violating the next three preceding sections

shall be guilty of a misdemeanor, and shall, upon conviction thereof in the Corporation Court, be fined in any sum not less than Ten Dollars nor more than Two Hundred Dollars; provided, that each day such nuisance is maintained shall be considered a separate offense. (Id., Sec. 4.)

Sec. 62. Unlawful to Fill in or Extend Banks of Bayous; to Pile Earth, Etc.—That it shall be unlawful for any person, firm or corporation to fill in or extend the banks of Buffalo or White Oak Bayous, so as in any manner to decrease or diminish the capacity thereof, or so as to interfere in any manner with the navigability thereof, or to pile earth, materials, trash, garbage, or other refuse of whatsoever character, upon or along the banks of said streams in such a manner as to be precipitated or carried into said streams by rains, floods, or otherwise, and it shall be unlawful to alter or modify the course, location or capacity of said streams within the limits of the City of Houston, or within the limits of said City's jurisdiction of said streams, as declared in its Charter, without a permit from the Secretary of War of the United States; it being the intention of this section to prevent any and all encroachments upon said streams that would in any manner whatsoever impair the usefulness of said streams for purposes of navigation. Provided, that nothing herein contained shall apply to or prohibit operations in connection with the improvement of said navigable waters, or the construction of public works necessary and proper for the improvement of navigation in said streams. Provided, further, that this section shall not apply to any person having a permit from the Secretary of War of the United States to make such changes or deposits in said streams, as are specifically set out in said permit. (Oct. 12, 1909; Ord. Bk. 2, p. 537, Sec. 1.)

Sec. 63. Penalty—Any person, firm or corporation violating the next preceding section shall, upon conviction thereof in the Corporation Court, be fined in any sum not less than Five Dollars (\$5.00) nor more than Two Hundred Dollars (\$200.00). (Id., Sec. 2.)

CHAPTER V.

Carriers.

Article 1.—Licenses, Regulations, Rates, Penalties, Etc.

2.—Standards.

ARTICLE 1.

LICENSES, REGULATIONS, RATES, PENALTIES, ETC.

Sec. 63a. Definition of "Carriage"—The term "carriage," as used in this chapter, includes every kind of vehicle running upon wheels, including bicycles, except where otherwise specially provided in this Code. (Code 1904, Art. 330.)

Sec. 64. Every Driver to See That His Vehicle Has a License and Provisions for the Issuance Thereof—The driver of every carriage or other vehicle subject to the payment of a license due under the provisions of this chapter shall see to it before he undertakes to drive the same in the City of Houston that the carriage or vehicle he drives is licensed under a license to be issued by the City Assessor and Collector of the City of Houston and countersigned by the Mayor; provided, that no license shall issue permitting or allowing a carriage or motor driven vehicle to be run or operated for the carriage of passengers for hire, except to a bona fide owner of said vehicle, who must apply in writing to the City Assessor and Collector for such license, and must show in said application or in connection therewith to the satisfaction of the City Assessor and Collector that the said applicant is the bona fide owner of said vehicle and that he has resided within the limits of the City of Houston as an actual bona fide resident thereof for at least 90 days prior to the filing of his application; provided further, that where any such application has remained on file with the City Assessor and Collector for 30 days it shall not be necessary for the applicant, if the bona fide owner of the vehicle, to establish his residence in the City of Houston for the 90 days. (Nov. 7, 1913; Ord. Bk. 3, p. 502, Sec. 1.)

Sec. 65. Owners Must Give Bond—The owner of every carriage or other vehicle run for hire in the business of the carriage of passengers, goods, wares or merchandise under the provisions of this chapter shall, as a condition precedent to the issuance of a license to run the same, execute a bond for

the sum of Five Hundred Dollars, payable to the City of Houston, with good and sufficient sureties, conditioned that the driver of such carriage will faithfully carry and deliver all goods intrusted to him, at the established rates, and that he will comply with all the ordinances of the City concerning public carriages and other vehicles, which bond shall be approved by the Mayor; provided, that the owner of more than one such vehicle may give bond in an amount necessary to cover all his vehicles at said rate; provided, further, that when the number of vehicles is more than ten and less than twenty, said bond shall be in the sum of Five Thousand Dollars, and when made to cover twenty vehicles or more, said bond shall be in the sum of Ten Thousand Dollars. The said bond may be sued upon in the name of the party injured by a breach thereof, and it shall not be void upon one recovery, but may be sued on from time to time, until the whole amount of the penalty is recovered. (Amendment Art. 832, Mar. 11, 1914; Ord. Bk. 4, p. 303, Sec. 1.)

Sec. 66. Record; Number to Be Kept—The Assessor and Collector shall keep a record in which he shall enter the names of all the owners of carriages, and the number and date of each license. He shall furnish the owner of the carriage licensed with a number for his carriage, which shall be kept conspicuously fixed thereon. (Id., Art. 833.)

Sec. 67. License Fees—The license fees per annum shall be as follows, to-wit: For each and every dray, furniture cart, grocery or other delivery wagon, or other vehicle, on which a license may be charged, One Dollar (\$1.00). (Id., Art. 834.)

Sec. 68. How Long Shall Run—All license dues above provided for, shall run from the first day of January one year to the first day of January next year. (Id., Art. 834.)

Sec. 69. License May Be Transferred—The license above provided for may be transferred to the purchaser upon a sale of the carriage being made; but the Assessor and Collector shall be notified of such sale and transfer within five days after such sale and transfer being made, or the license is absolutely forfeited. (Id., Art. 836.)

Sec. 70. Driver Must Respond to Call—The driver of every carriage, when unemployed, shall, on demand, go to any place in the inhabited part of the city, and there load his carriage, and shall not refuse to carry such load to any other place in the city to which he may be required to go, upon his legal fare being tendered him. (Id., Art. 837.)

Sec. 71. What is a Load—That a full load for a dray or cart shall not exceed twelve hundred pounds in weight; provided, that the above shall not apply to household furniture, pianos or trunks. (Id., Art. 838.)

Sec. 72. Charges Allowed—The prices, or rates to be charged by the owners, lessees, drivers or operators of drays, wagons, trucks and other vehicles carrying freight or baggage for hire, within the limits of the City of Houston, shall not exceed those in the following schedule, viz:

For a load conveyed to any place within one mile, twenty-five cents; for every load conveyed to any place exceeding one mile, at the rate of fifteen cents per half mile and twenty-five cents per mile.

For a load of household furniture on two horse truck or wagon, within two miles, as per agreement.

For one piano or organ within two miles as per agreement.

For one trunk within one mile, twenty-five cents; within one and one-half miles, forty cents; within two miles, fifty cents.

A mile as herein used is defined to be sixteen squares by the most direct route.

The driver shall load and unload all freight, etc., hauled, and shall load and unload pianos and trunks, and place them where desired in house where delivery is made. (Id., Art. 839.)

Sec. 73. Refusal to Carry; Extortion; Penalty—No owner, lessee, driver or proprietor of any of the vehicles named, licensed as required by the ordinances of the City of Houston, shall refuse to carry within the said city, the baggage, goods or merchandise of any person when applied to for that purpose; or having undertaken to convey such baggage, goods or merchandise, or other thing, shall omit or neglect to do so, or shall state to, ask, take or extort, from any person desiring to have, or having had, conveyed to any place in said city such baggage, goods or merchandise, or other thing, as the price or rate of fare for such conveyance, any greater price or rate of fare than that herein established, shall be deemed guilty of an offense, and shall be fined upon conviction not less than Five Dollars and not more than Twenty-five Dollars. (Id., Art. 839.)

Sec. 74. Payment of Legal Charges; Right to Hold For; Penalty, How Settled—That every owner, lessee, driver or

operator of any of the vehicles before named, shall be entitled to be paid the legal rate of compensation provided in this chapter immediately upon carting or transportation of any article or thing; and it may be lawful for any such owner, lessee, driver or operator of any such vehicle to retain any article or thing so carted or transported by him, for which he is not so paid the legal price or rate, until paid. All disputes or disagreements as to distance or rates of compensation between owners, drivers, lessees or operators of such vehicles and persons employing them, shall be determined by the Chief of Police, or the person at the police station in charge thereof, and in the event that the decision is against the person employing such vehicle, he shall pay the rates or prices for rehauling same to destination, and if in his favor, the article or things shall be hauled to destination without other charge than the charge decided by Chief of Police to be the proper charge for the original hauling. (Id., Art. 841.)

Sec. 75. How to Receive or Discharge Passengers or Freight—All hacks, drays or other carriages shall have the right to drive or back to any sidewalk in the city, and remain there a reasonable length of time to receive or discharge passengers or freight, but it shall be unlawful to remain longer than a reasonable time to do so, or after the owner or occupant of the premises in front of which the carriage may be standing shall have requested the owner or driver of such carriage to move away. A reasonable length of time, as contemplated in this article, is in no event to exceed thirty minutes. (Id., Art. 843.)

Sec. 76. Licensed Vehicle a Hack—Every licensed vehicle for the conveyance of passengers shall be considered a hack within the meaning and intent of this chapter. (Code 1904, Art. 842.)

Sec. 77. Charges for Services—The charges for the services of carriages, hacks, omnibusses and motor vehicles, within the City of Houston, for transportation of passengers, shall not exceed those stated in the following schedule, namely:

Provided, that for children, not exceeding two in number, under five years of age, accompanied by an adult, no charge shall be made.

Day rates (between 5 a. m. and 12 midnight). By the trip: One mile or less, one passenger, 50 cents; each additional passenger in the same party to the same destination, 35 cents;

each additional mile or less, one passenger, 25 cents; each additional passenger in the same party to the same destination, 15 cents.

Night rates (between 12 midnight and 5 a. m.). By the trip: One mile or less, one passenger, 75 cents; each additional passenger in the same party to the same destination, 50 cents; each additional mile or less, one passenger, 35 cents; each additional passenger in the same party to the same destination, 25 cents.

By the hour: First hour, one or more passengers, \$1.50, between the hours of 5 a. m. and midnight; \$2.00 between the hours of 12 midnight and 5 a. m.; each additional quarter hour, or part thereof, one or more passengers, 25 cents, day or night.

When vehicles are not engaged by the hour, trip rates shall be charged.

When charges for a trip or trips exceed rates per hour, charges shall be by the hour.

The driver of a public vehicle who may be required to travel, by the most direct route, one mile or more, to make response to a call, may make an additional charge of 25 cents therefor.

Children between five and twelve years of age, one-half rates, when accompanied by an adult, or a full fare of one of the occupants. The driver of such vehicle shall be entitled to make a charge of not exceeding 50 cents for each trunk; and each passenger shall be entitled to have conveyed, without charge, such other valise or other small packages as may be carried by hand. The driver shall load and unload all baggage, and check same, if requested to do so, without additional charge.

A mile, as herein used, is defined to be sixteen squares by the most direct route. (Aug. 19, 1907, Ord. Bk. 2, p. 442, Sec. 1.)

Sec. 78. Must Have Card Showing Rates, Etc.—Every vehicle named in this article shall have permanently affixed to the interior thereof, in a conspicuous place, a receptacle that shall contain at all times a card so situated that it can be read by the passengers without being removed, upon which shall be printed, in plain type, not less than ten-point in size, Section 77; and number of driver's license, and the name of the owner of the vehicle, and the name of the driver; and no other card, papers, or thing whatever, shall be carried in said receptacle. Said cards shall be prepared and furnished by the City Secre-

tary on application, without cost, to the owner of any licensed vehicle, and it shall be unlawful, both in the owner of said vehicle and the driver thereof, to operate said vehicle without said card so visible; and upon conviction in the Corporation Court, the person or persons violating this provision of this section shall be fined in any sum not less than Five Dollars (\$5.00) nor more than Fifty Dollars (\$50.00) for each offense, and it shall be a separate offense to so operate said hack for each day or part of a day said hack is so operated, and it shall be a separate offense, both in the owner of the said vehicle and in the driver thereof. (Id., Sec. 2.)

Sec. 79. Passenger Must Pay Legal Fare—Any person who shall, where the schedule of charges is posted in the vehicle, as required by this article, refuse to pay the legal fare, as prescribed in Section 77, where there has been no agreement for a less amount, for a vehicle that he has hired, shall, upon conviction thereof, be compelled to pay the owner, driver, lessee or operator of said vehicle an amount equal to the legal fare, and shall be fined not less than Five Dollars (\$5.00) and not more than Fifty Dollars (\$50.00); provided, that the payment of the fare has been demanded, and the attention of the passenger called to the posted schedule of charges. (Id., Sec. 3.)

Sec. 80. Must Carry Passenger when Full Fare is Tendered—If any owner, driver, lessee or operator of any vehicle herein named shall refuse to convey a passenger at the rate herein provided, or shall demand or receive an amount in excess of the lawful fare, as provided in Section 77, he shall be liable to a fine, upon conviction in the Corporation Court, in any sum not less than Five Dollars (\$5.00) nor more than Fifty Dollars (\$50.00), and shall return to such passenger any amount he may have received in excess of the legal fare. (Id., Sec. 4.)

Sec. 81. May Accept Less Than the Legal Fare—If any owner, lessee, driver or operator of any of the vehicles herein named shall agree, before being engaged, to accept less than the legal fare, he shall not afterwards demand more than the amount agreed upon. (Code 1904, Art. 859.)

Sec. 82. Must Have Numbers on Lamps—Every vehicle named in this chapter shall have plainly indicated on the glass of its lamps the number of its license, and the figures of such numbers shall not be less than one and one-half and not more than two inches in height; the said number and its position

upon the glass of the lamps will be subject to the approval of the Chief of Police. (Id., Art. 858.)

Sec. 83. Must Be Safe and Sanitary—Any vehicle for the conveyance of passengers for hire, which is in an unsafe, unsanitary or unsightly condition, may be condemned by the Chief of Police, or a committee designated by the Mayor to inspect same; and if the owner, driver, lessee or operator thereof shall continue to utilize said vehicle without first having made the same safe, sanitary and sightly, he shall be fined as provided in Section 84. (Id., Art. 862.)

Sec. 84. Penalty in Certain Cases—Any owner, driver, lessee or proprietor violating any of the provisions of this article, where no special penalty is provided therefor, shall be fined upon conviction in the Corporation Court, in any sum not less than Five Dollars (\$5.00) and not exceeding Ten Dollars (\$10.00). (Id., Art. 863.)

Sec. 85. Carrying Invalids; Duty in Certain Cases—The owner or driver of any carriage for the conveyance of passengers shall be at liberty to refuse to carry any invalid, even upon tender of his legal fare, whose appearance shall justify him in believing the disease or sickness from which such invalid is suffering to be infectious or contagious. And should such owner or driver, at any time, have reason to believe that he has inadvertently driven any person suffering from such disease or sickness, he shall forthwith report the fact to the Health Officer, with a view to having his carriage disinfected, and at the same time shall make known the address to which he drove such invalid. (Id., Art. 870.)

Sec. 86. Penalty—Every driver, motorman or conductor of any of the aforesaid vehicles for hire, or cars, who shall violate the next preceding section shall, on conviction, be punished by a fine of not less than Five Dollars (\$5.00) and not more than Fifty Dollars (\$50.00), for each and every offense. (Id., Art. 866.)

Sec. 87. Soliciting Custom in Railroad Passenger Depots—It shall be unlawful for any person or persons in any passenger depot or upon any passenger depot platform, grounds or premises of any railroad company, or upon any sidewalk or street in front of any passenger depot of any railroad company within the City of Houston, Harris County, Texas, to solicit or to cry out for passengers or baggage for any hotel or other place, or to solicit or call to or request any

person or persons to become passengers, or for the carriage of any baggage in or on any vehicle for hire, for or to any hotel, railroad depot or other place within or without said city. (Sept. 19, 1904, Ord. Bk. 2, p. 141, Sec. 1.)

Sec. 88. Unlawful to Call Out "Hack," Etc.—It shall be unlawful for any person or persons to speak or call out in a loud manner the words "hack," "carriage," "bus," "baggage" or "hotel" at any passenger depot or upon any passenger depot platform, grounds or premises of any railroad company, or upon any sidewalk or street in front of any passenger depot of any railroad company within the City of Houston, Texas. (Id.)

Sec. 89. Unlawful for Driver to Leave Vehicle, Etc.—When any licensed hack, bus, wagon or other vehicle provided for the conveyance of persons or baggage is at any depot in the City of Houston, it shall be unlawful for the driver or person in charge thereof to leave the same and enter the depots or go upon the sidewalk or private property of any railroad company for the purpose of soliciting, and does so solicit, the transportation or conveyance of any passengers or baggage arriving on the trains at said depots. (Id.)

Sec. 90. Penalty—Any person guilty of a breach of either or any of the provisions of the three next preceding sections shall, upon conviction, be fined in any sum not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) for each and every offense. (Id.)

ARTICLE 2.

STANDS.

Sec. 91. Public Stands for Hacks—The following are hereby designated as public stands for licensed hacks carrying passengers for hire:

Stand 1—On west side of the Court House square and the south side of the west entrance to the Court House square, five hacks.

Stand 2—On the south side of the Court House square, nine hacks; provided, that no hack shall stand within ten feet of the south entrance of the Court House square.

Stand 3—On the north side of the Court House square, nine hacks; provided, that no hack shall stand within ten feet of the entrance to the Court House square on the north side thereof.

Stand 4—On the north side of the Market House square, nine hacks.

Stand 5—On the east side of Fannin Street, between Texas Avenue and Prairie Avenue, seven hacks.

Stand 7—On the north side of Texas Avenue, between Travis and Milam Streets, seven hacks. (Sept. 2, 1913, Ord. Bk. 3, p. 420, Sec. 1.)

Sec. 92. Stands for Public Drays, Etc.—The following are hereby designated as stands for public drays, express, moving and furniture wagons, and other carriers of goods, wares and merchandise, etc., for hire:

Stand 1—On the north side of the City Jail, four vehicles.

Stand 2—On the lot and in front of the lot belonging to the City of Houston at the corner of Texas Avenue and San Jacinto Street, the said lot fronting one hundred feet on Texas Avenue and one hundred feet on San Jacinto Street, twenty vehicles.

Stand 3—On the north side of Washington Avenue, between Eighth and Ninth Streets, seven vehicles.

Stand 4—On the north side of Preston Avenue, between St. Charles and St. Emanuel Streets, seven vehicles.

Stand 5—On the east side of St. Charles Street, between Preston and Prairie Avenues, seven vehicles. (Code 1904, Art. 849.)

Sec. 93. If Public Stand Is Occupied—When a public stand is occupied by the full number of vehicles authorized by this chapter, no other vehicle shall loiter or wait nearby to take a place thereat. (Id., Art. 850.)

Sec. 94. Stands for Street Cars—The following are hereby designated as public stands for street cars operated within the City of Houston:

Stand 1—On Franklin Avenue, at the east side of Main Street.

Stand 2—On Preston Avenue, at the east side of Main Street.

Stand 3—On Prairie Avenue, on the east side of Main Street.

Stand 4—On Texas Avenue, on the east side of Main Street.

Stand 5—On Main Street, on the south side of Texas Avenue.

Stand 6—On Travis Street, on the south side of Texas Avenue.

Stand 7—On Travis Street, on the south side of Prairie Avenue.

Stand 8—On Congress Street, on the west side of Main Street.

Stand 9—On Franklin Avenue, on the west side of Travis Street. (Id., Art. 851.)

Sec. 95. Vehicles and Street Cars Shall Not Loiter—Vehicles for hire and street cars shall not loiter or stop upon any street or avenue, except at the regular public stands, established by this article; provided, any such vehicle or car may stop at any place for the purpose of receiving or discharging freight or passengers; and provided, further, that this article shall not be construed as preventing said vehicles or cars from stopping where required to do so by any accident or conditions which may render it impossible for such vehicles or car to proceed; and provided, further, that this article shall not prevent the vehicles named in this chapter from standing at the different passenger depots of railroads in this city when a passenger train is due or expected to arrive within thirty minutes, and the space in front of the waiting room of such depots being hereby established as public stands for vehicles for the carriage of passengers, at such times; and the space in front of the baggage rooms and extending along the street on the side of the depot farthest away from the waiting rooms being hereby established as a public stand for vehicles for the carriage of baggage and freight; and provided, further, that the driver of any such vehicle so occupying such public stands in front of a passenger depot, shall remain on his vehicle, except when he has a customer whom he is assisting; and provided, further, that any such driver of any such vehicles occupying a stand in front of any passenger depot shall be subject to each and every term, provision and penalty in the ordinances made and provided. (Sept. 9, 1904, Ord. Bk. 2, p. 143, Sec. 1.)

Sec. 96. No Two Vehicles to Stand Abreast—In no street designated as public stands for vehicles for hire, shall vehicles arrange two abreast, but shall stand near the curb in single file, and so as not to block access to other vehicles desiring to gain entrance to the doorways along said street. The first vehicle arriving at any stand shall have the first choice of place, the second the second choice, and so forth. Provided, that when not standing on the street on the stand at the corner of Texas Avenue and San Jacinto Street vehicles standing on the city's lot may arrange themselves two or more abreast.

Sec. 97. Shall Take as Little Room as Possible—Vehicles occupying said public stands shall, in taking their positions at

such stands, do so with a view of permitting and allowing room for other vehicles to approach and gain access to the sidewalks in front of all entrances to buildings fronting on said streets, and shall occupy positions as hereinbefore provided, in front of dead wall as nearly as possible.

Sec. 98. No Vehicles to Stand Out Over Eight Feet—That no private or public vehicle of whatsoever kind, whether hitched or stationary, shall be permitted to extend outward to a greater distance than eight feet, measured from the outer edge of the curb line.

Sec. 99. Must Take Positions Twenty Feet from Street Crossings—Vehicles in taking positions at said stands shall take a position at least twenty feet away from the crossings and intersections of cross streets, and parallel with the curbing. (Id., Art. 864.)

Sec. 100. Stands Not for Exclusive Use—The designation of certain portions of streets herein as public stands for vehicles for hire shall not be construed to grant to such vehicles the absolute and exclusive right to said portion of such street, but they shall always permit other vehicles desiring to approach the sidewalk on said street, for the purpose of discharging or receiving passengers or freight, or to transact other business with persons in any building fronting on said street, to do so by making room for them, and that such other vehicle shall move out just as soon as it has deposited its passengers or freight, or transacted its business, and permit the vehicle originally occupying such stand to have its place.

Sec. 101. Penalty—Every driver, motorman or conductor of any of the aforesaid vehicles for hire, or cars, who shall violate any section of this article shall, on conviction, be punished by a fine of not less than Five Dollars (\$5.00), and not more than Fifty Dollars (\$50.00), for each and every offense. (Id., Art. 866.)

CHAPTER VI.

Chimneys and Flues.

Sec. 102. Creation of Office Inspector of Chimneys and Flues; Duties, Offenses, Penalties—That there is created the office of Inspector of Chimneys and Flues for the City of Houston, whose duty it shall be to inspect all chimneys and flues within the City of Houston from time to time for the purpose of ascertaining whether or not such chimneys and flues are constructed in accordance with the ordinances of said City of Houston, or whether or not since their construction they have become dilapidated, or in such a state of disrepair, or whether or not they need to be cleaned, in order to prevent fires catching therefrom, and where such inspector ascertains that any, or all, of such conditions exist, he shall notify the owner, tenant, lessee or occupant of the building, house or structure of which such chimney or flue is a part, to rebuild, repair or clean the same as the condition demands within ten days from the date of notice, and any and every such owner, tenant, lessee or occupant who shall fail to so rebuild, repair or clean such chimney or flue within such time when so notified by said inspector shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than Ten Dollars (\$10.00) nor more than Twenty-five Dollars (\$25.00), and each day that such chimney or flue is allowed to remain in such condition, after the expiration of the time within which he has to comply with such order of said inspector, shall constitute a separate offense. (June 2, 1913, Ord. Bk. 3, p. 366, Sec. 1.)

Sec. 103. Appointment, Removal, Etc., of Inspector—That said Inspector of Chimneys and Flues shall be appointed by the Mayor and confirmed by the City Council and shall receive such salary as they may allow, and shall be subject to removal by the Mayor at any time. (Id., Sec. 2.)

Sec. 104. Unlawful to Use Soft Coal, Etc., Under Certain Conditions—It is hereby declared unlawful for any person or corporation, the flues of whose houses or establishments emit smoke which blows upon or against higher buildings adjacent thereto so as to disturb or diminish the ordinary comfort or convenience of living of the inmates or occupants of said higher building, to continue to burn or use soft coal or other

fuel, the smoke of which is equally offensive, unless such person or corporation using such soft coal or other offensive fuel keeps and maintains some device or apparatus which successfully consumes the smoke so that it is not emitted from the flues, and it shall be a separate offense on the part of the person or corporation using such soft coal or other offensive fuel for each day that same is used after notice from the Fire Marshal of the City of Houston, or his deputy or assistant, to discontinue the use of the same. (May 21, 1913, Ord. Bk. 3, p. 343, Sec. 1.)

Sec. 105. Penalty—For each violation of the preceding section, the offending person or corporation shall, upon conviction in the Corporation Court, be fined in any sum not less than Ten Dollars (\$10.00) nor more than Two Hundred Dollars (\$200.00). (Id., Sec. 2.)

Sec. 106. Flues, Etc., of Certain Character to be Provided with Smoke and Soot Consumers—That all persons, firms or corporations operating or carrying on or conducting any business, factory, occupation or establishment, within the limits of the City of Houston, burning or using soft coal or other fuel from which smoke or soot is emitted or discharged through any flue, chimney, smokestack or other structure or appliance so as to be offensive to the residents or inhabitants of said section, shall equip the same with some device or apparatus which successfully consumes the smoke or soot so that the same is not discharged or emitted, and that it shall be unlawful for any person, firm or corporation to so operate, carry on, or conduct the same within the limits of the City of Houston without so equipping such flue, chimney, smokestack or other structure or appliance with such device or apparatus; provided, that this section shall not be construed to compel the owner or occupant of any building or house used exclusively as a private residence to provide such device or apparatus. (Aug. 4, 1913, Ord. Bk. 3, p. 405, Sec. 1.)

Sec. 107. Flue Inspector, Authority of—That the Flue Inspector of the City of Houston is hereby given the right and authority, during reasonable hours, to enter upon any premises, upon which is located any flue, chimney, smokestack or other structure or appliance from which soot or smoke may be discharged or emitted offensively to the residents, for the purpose of making an examination as to the cause of such emission or discharge, and for the purpose of ascertaining the

kind and character of fuel used, and the manner of using the same. (Id., Sec. 2.)

Sec. 108. Penalty—That any person, firm or corporation, or receiver, officer, agent or manager thereof, violating any of the provisions of the next two preceding sections, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in any sum not less than Ten Dollars (\$10.00) nor more than Two Hundred Dollars (\$200.00), and each and every day that said violation continues shall constitute a separate and distinct offense. (Id., Sec. 3.)

CHAPTER VII.

City Council.

Sec. 109. Rules Governing Proceedings of City Council— That the following rules shall govern the proceedings of the City Council of the City of Houston:

Rule I—Meetings: The City Council shall meet in the Council Chamber in regular session every Monday afternoon at 4 o'clock p. m., and at such other times as it may be called by the Mayor, the Mayor pro tem or by call of a majority of the members thereof. No notice is required for an adjourned meeting, but when a special meeting is called, personal notice shall be given to each member of the Council, if possible, but personal notice to a majority of the members shall always be sufficient for special meetings.

Rule II—Presiding Officer: The Mayor shall preside at all meetings of the City Council, or if for any reason he is absent, sick or unable to act, then the Mayor pro tem shall preside, and shall exercise all of the powers and discharge the duties of the Mayor. (July 24, 1905, Ord. Bk. 2, p. 225, Sec. 1.)

Rule III—Order of Business: The proceedings of the City Council shall be as follows:

- (1st) To call the roll and mark absentees.
 - (2nd) The adoption, and if necessary, the correction of the minutes.
 - (3rd) Receiving petitions.
 - (4th) Receiving reports of special and standing committees.
 - (5th) Unfinished business.
 - (6th) New business.
 - (7th) Consideration and passage of bills.
- (Amendment Rule 3, Jan. 26, 1914, Ord. Bk. 4, p. 39, Sec. 1.)

Rule IV—Decorum: The members of the City Council shall be seated except while addressing the Chair, and shall not be interrupted while speaking, without their consent, except by a call to order of the Chair or to correct a statement of facts. The presiding officer or the Council may fine or

place under arrest any member guilty of indecorum or disorderly conduct in the Council; the fine, if imposed, not to exceed Ten Dollars (\$10.00). (July 24, 1905, Ord. Bk. 2, p. 225, Sec. 1.)

Rule V—Committees: There shall be a "Finance Committee," a "Street and Bridge Committee," a "Water Committee," a "Fire Committee," a "Committee on Taxation," and an "Ordinance Committee." The Chairman of the respective committees shall be nominated by the Mayor and confirmed by the Council, and shall hold their chairmanships for two years, unless removed by the Mayor. Each committee shall be composed of the Mayor (who shall be ex-officio Chairman of all committees), and the four Aldermen.

Rule VI—Secretary: The City Secretary shall be the Clerk or Secretary of the Council, whose duty it shall be to act as reading and recording clerk to the Council, and to certify to the correctness of the Minutes and the Journals and to perform such other duties as may be required of him by the Council.

Rule VII—Questions of Order: All questions of order shall be decided by the presiding officer, with right of appeal from his decision to the City Council, the majority of whom may override his decision.

Rule VIII—Ayes and Noes: Any member may call for the ayes and noes, and if called for the Secretary shall record the result of the vote in the Minutes.

Rule IX—Motions: All oral motions must be seconded before being put by the Chair, and upon the request of any member, shall be reduced to writing by the party making the same. Written motions shall require no second.

Rule X—Suspension of the Rules: The rules, any one or all, may be suspended by a majority vote of all the members of the Council.

Rule XI—Attendance: The members of the Council shall attend the regular and special meetings, or, failing to do so, they may be arrested and compelled to attend by the presiding officer or the Council. The Council may impose a fine of not exceeding Ten Dollars (\$10.00) upon any member failing to attend a meeting. (Id.)

Rule XII—Ordinances and Resolutions; Reading:

(a) Penal ordinances shall be passed only after reading at

three separate meetings, once in full and twice by caption, unless passed as an emergency measure, when one reading in full and two by caption at the same meeting shall be sufficient.

(b) All ordinances granting franchises or special privileges shall be read in full at three regular meetings, and shall never be passed as emergency measures.

(c) Ordinances authorizing contracts, appropriations or expenditures in excess of One Thousand Dollars (\$1,000.00) under Sec. 7a, Article 2, relating to ownership of public utilities, etc., of the City Charter as amended, shall be read at three regular meetings, and at least once in full.

(d) Ordinances authorizing contracts for the purchase of electricity, etc., under Sec. 7b, Article 2, of the City Charter as amended (for periods for less than five years), shall be read at three regular meetings, and at least once in full.

(e) Ordinances annexing territory by action of the City Council, under Section 2b, Article 1, of the City Charter as amended, shall be read at three regular meetings, the last of which shall be not less than thirty days after the publication of said ordinance. Such ordinances shall be read in full at least one time.

(f) Ordinances authorizing contracts, appropriations or expenditures in excess of One Thousand Dollars, or any lease or sale, under Section 9, Article 2, of the City Charter as amended, entitled: "Harbor and Water Front," shall be read in full at three regular meetings.

(g) The passage of all other ordinances and resolutions shall be by reading the same at three regular meetings by caption or title, unless a reading in full is requested by a member of the Council; but when passed as an emergency measure, three readings by caption or title at the same meeting shall be sufficient. (Amendment Rule 12, Jan. 26, 1914, Ord. Bk. 4, p. 39, Sec. 1.)

Rule XIII—Confirmations: The voting on confirmations or appointments made by the Mayor, or for officers of the City, shall be by written ballot, and it shall require a majority vote of the Council to confirm or elect; the presiding officer being entitled to vote on all matters if he elects to do so. (July 24, 1905, Ord. Bk. 2, p. 225, Sec. 1.)

Rule XIV—Motion to Reconsider: Any member who voted with the prevailing side on any question may move a reconsideration, not later than the next regular meeting after

the vote was taken, and it shall require a two-thirds vote of the City Council to reconsider.

Rule XV—When Disposed Of: When the question has once been determined by the Council, the same question shall not again be considered until six months thereafter, except by reconsideration, as hereinbefore provided.

Rule XVI—Committee Reports: The committees shall report on all matters referred to them, unless otherwise provided by charter, not later than the second meeting after reference to the committee has been made, but the Council may grant an extension of time within which to report.

Rule XVII—Power of Presiding Officer: The Mayor, or Mayor pro tem as the case may be, shall preside at all meetings of the City Council, and shall be invested with all the power, and discharge all of the duties usually incumbent upon a presiding officer, as well as those prescribed in these rules.

Rule XVIII—Cushing's Manual: The rules of procedure, as stated in Cushing's Manual, shall govern the proceedings of the City Council, unless in conflict with the rules hereby adopted or in contravention of some charter provision. The provisions of the City Charter shall prevail over any provision of these rules or of Cushing's Manual. (July 24, 1905, Ord. Bk. 2, p. 225, Sec. 1.)

Sec. 110. Committees of City Council—That for the convenience and dispatch of the public business, the following committees are hereby created with jurisdiction over the matters hereinafter specified:

(a) There shall be a Finance Committee, which committee shall have jurisdiction over, and to which shall be referred all matters respecting or appertaining to the finances, both expenditures and receipts, of the City of Houston, and all matters appertaining to the reports and accounts of the City of Houston, and the City Hall and Market House, and the management of all parks of the City of Houston.

(b) There shall be a Street and Bridge Committee, which committee shall have jurisdiction over, and to which shall be referred all matters respecting the maintenance, preservation, cleaning and flushing of the streets, bridges and crossings of the City of Houston, and all matters appertaining to the scavenger work of the City of Houston.

(c) There shall be a Water Committee, which committee shall have jurisdiction over and to which shall be referred all matters pertaining to water.

(d) There shall be a Fire Committee, which committee shall have jurisdiction over, and to which shall be referred all matters respecting the Fire Department of said City, and every matter which comprehends the protection of the city from fires and conflagrations.

(e) There shall be an Ordinance Committee, which committee shall have jurisdiction over and to which shall be referred all ordinances of whatsoever kind or character. (Apr. 5, 1909, Ord. Bk. 2, p. 506, Sec. 1.)

(f) There shall be a Committee on Taxation, which committee shall have jurisdiction over and to which shall be referred all matters pertaining or appertaining to taxes, the levy, assessment and the collection of same within the City of Houston, Texas. (Amendment May 1, 1911, Ord. Bk. 3, p. 30, Sec. 1.)

Sec. 111. Committees Composed of Active Chairmen—That each committee shall consist of the Mayor and four Aldermen, except the Ordinance Committee, which shall consist of three Aldermen. The Mayor shall be ex-officio Chairman of all committees, and in addition thereto, there shall be appointed by the Mayor and confirmed by the Council an active Chairman of each committee, who shall be known as Chairman of the Finance Committee, Chairman of the Street and Bridge Committee, Chairman of the Water Committee, Chairman of the Fire Committee, Chairman of the Committee on Taxation, and Chairman of the Ordinance Committee, respectively. (Apr. 5, 1909, Ord. Bk. 2, p. 506, Sec. 2.)

Sec. 112. Duties of Active Chairmen—That it shall be the duty of the active Chairman of each committee to make it his especial care to supervise, direct and closely inspect the operation and administration of each and every one of the departments which may fall under his supervision and jurisdiction, and to investigate all petitions, complaints, etc., bearing upon any matter, the supervision of which it is made his duty by the committee assignment of the Mayor. (Id., Sec. 3.)

Sec. 113. Committee Meetings—That each committee shall meet at such times and places as may be directed by the Mayor or the active Chairman of the Committee, and in addi-

tion thereto, there shall be an executive session for the transaction of the administrative affairs of the City every Monday, Wednesday and Friday of each week, at the hour of 10:00 a. m., in the Mayor's office. (Id., Sec. 4.)

CHAPTER VIII.

City Secretary.

Sec. 114. Duties—That the office of Secretary of the City of Houston is hereby created. The duties of such Secretary of the City of Houston shall be to keep, record and well preserve the Minutes and proceedings of the City Council, and to be the custodian of all the papers and records of the City of Houston, with power to make certificates of any proceeding of the City Council, to affix the seal of the City of Houston thereto, and to do generally and perform all things and acts usually or necessary to be performed by secretaries or clerks of cities in connection with the business thereof; and in addition to the duties herein mentioned, he shall do and perform such other duties, acts and things as may be required of him by the Mayor or City Council. (Sept. 18, 1905, Ord. Bk. 2, p. 238, Sec. 1.)

Sec. 115. Controller, ex-officio Secretary—The Controller of the City of Houston shall be ex-officio the Secretary of the City of Houston, and shall hold such office, subject to removal at any time by the Mayor or City Council, for a period not longer than two years, unless he be reappointed, and he shall receive no salary in addition to his salary as Controller of the City of Houston. (Id., Sec. 2.)

Sec. 116. Assistants—The Secretary of the City of Houston shall have such assistants as may be deemed necessary by the Mayor and City Council. Such assistants shall be appointed by the Mayor, and shall hold their office, subject to removal by the Mayor, for a period not to exceed two years, unless they be reappointed, and they shall have and exercise like powers and perform like duties as the Secretary of the City of Houston, and shall receive such salary as may be provided by the Mayor and City Council. (Id., Sec. 3.)

Sec. 118. City Secretary to Record All Ordinances—The City Secretary is hereby directed and required to record all ordinances and to keep a record book for that purpose. The transcriptions of such ordinances may be in long hand with pen and ink, the ink to be used to be standard writing fluid; or by the use of a book typewriter with indelible ribbon; or by transcribing the same on loose leaves, numbered consecutively and kept in a secure binder provided for that purpose

until such binder shall contain not less than two hundred and fifty leaves or five hundred pages of writing when said leaves shall be bound securely in permanent book form. (Amendment Feb. 16, 1914, Ord. Bk. 4, p. 157, Sec. 2.)

Sec. 119. Shall Endorse on All Official Communications the Date and Hour Received by Him—It shall be the duty of the City Secretary to indorse on all official communications and documents received by him the date and hour of the receipt of the same. (Id., Art. 134.)

Sec. 120. Shall Keep a Record of All Official Bonds—All official bonds of all city officials and all other persons required to give a bond to the City of Houston shall be recorded at length by the City Secretary in a bound record book, with an index, to be known as the "Bond Record." (Id., Art. 135.)

Sec. 121. Shall Be Certified—Bonds required to be recorded by Sec. 120, after recording the same, shall be compared with the original and certified to, at the end of each recorded bond, as follows: "I hereby certify that the foregoing recorded bond is a complete exemplification of the original bond. Witness my hand this.....day of, 19.....
.....City Secretary." (Id., Art. 136.)

CHAPTER IX.

Controller.

Sec. 122. Bond—He shall give bond, payable to the City of Houston, in the sum of Ten Thousand Dollars (\$10,000.00), conditioned to faithfully perform the duties of his office and to sign no draft or warrant for the payment of city funds unless such payment be legal and proper. Such bond shall be signed by two or more good and sufficient sureties, residents of the City of Houston and real estate owners therein, or by a bond company authorized by the laws of the State of Texas to make bonds, the bond to be approved by the Mayor. Should such bond at any time or for any cause become inadequate, the Mayor or City Council may require a new bond. (Code 1904, Art. 91.)

Sec. 123. Forms or Books to Be Used by Departments to Be Submitted to Approval of the City Controller—Forms for books or blanks pertaining to the accounting system of the City of Houston must be submitted in duplicate to the City Controller before being adopted, printed or used by any department officer or person required to render periodical accounts to the City Controller.

If the City Controller approves the form submitted, he shall file one copy in this office, and return the other to the proper official, with his approval endorsed thereon. (Id., Art. 92.)

Sec. 124. If Form Is Disapproved, the City Controller to Prepare Proper Form—Should the City Controller disapprove the form of any blank or book submitted to him, as provided in Section 123, he shall thereupon prepare in his office a form to take the place of the form submitted and forward the same to the proper officer duly approved; provided, should the City Controller determine that the blank form submitted will be unnecessary to the accounting system of the City of Houston, the proper officer shall be duly notified of such decision and such form shall not be adopted, printed or used by the department, officer or person submitting the same. (Id., Art. 93.)

Sec. 125. Creditors of City to Deduct Taxes or Other Indebtedness From Amount Due Them by City—Any persons, firms or corporations who sell goods, wares and merchandise

of any name, nature or description to the City of Houston, and who are indebted to the City of Houston for taxes of any kind, or who owe the city any other debt, at the time of collecting the amount due them by the City of Houston for the merchandise so purchased from them shall pay taxes or any other debt due by them to the City of Houston out of said amount. (Id., Art. 94.)

Sec. 126. City Controller to Ascertain Amount Due to City—It is the duty of the Controller of the City of Houston to ascertain from the City Assessor and Collector as to whether or not the persons, firms or corporations collecting money from the City of Houston are indebted to the City of Houston for taxes or in any other way. (Id., Art. 95.)

Sec. 127. Shall Report Indebtedness to Mayor and Finance Committee—If it is ascertained that any person, firms or corporations are indebted to the City of Houston for taxes or in other way, it is the duty of the City Controller to report same to the Mayor and Finance Committee and they shall withhold the payment of the claim until the persons legally entitled to collect the same shall have paid the taxes or any other debt due to the City of Houston. (Id., Art. 96.)

Sec. 128. Salary—The salary of the City Controller is fixed at \$250.00 per month, until elected in 1915, when he shall receive the salary provided by the charter. (Id., Art. 97.)

Sec. 129. Account as to Fines, Etc., to Be Opened With Chief of Police; Monthly Statement—That the Controller of the City of Houston is hereby authorized and directed to open an account with the Chief of Police of the City of Houston in which he shall charge the Chief of Police with all fines and costs assessed in the Corporation Court and credit him with all amounts paid on fines and costs and deposited with the Tax Assessor and Collector, together with such allowances on fines and costs as are provided for and referred to in Section 753.

The Controller shall use, as his authority for the entries in this account, the daily reports furnished him by the Clerk of the Corporation Court and the Chief of Police. He shall charge the Chief of Police with the total amount of fines and costs assessed as shown on the report of commitments issued, provided for in Section 148, and shall credit the Chief of Police with the total amount of fines and costs discharged either by payment of cash or otherwise as shown on the reports of commitments returned provided for in Section 149.

It shall be the duty of the Controller of the City of Houston to file with the City Council, as early as practicable after the close of each month, a statement which shall show the balance, if any, brought forward at the beginning of the month, the total amount debited to this account and the total amount credited to this account during the month, together with an analysis of any balance shown to be due the City; this analysis to give the case number, the date of commitment, the name of the defendant and the amount of fines and costs due the City in each of the cases remaining unpaid and represented in the balance due the City as reflected by this account. (Sept. 22, 1913, Ord. Bk. 3, p. 453, Sec. 1.)

CHAPTER X.

Corporate Limits.

Sec. 130. Corporate Limits Extended for Limited Purposes—That from and after the passage of this ordinance, the corporate limits of the City of Houston be, and are hereby extended, for the purposes hereinafter mentioned, from the present eastern limits as established by the City Charter granted by the Legislature in the year 1905, eastwardly in a general direction with Buffalo Bayou and the Houston Ship Channel, so as to include in said City the said navigable stream and the land lying on both sides thereof for a distance of twenty-five hundred (2500) feet from the thread of said stream for a distance of twenty (20) miles in an air line from the ordinary eastern city boundary of such city as established by the Charter thereof granted by the Legislature of the State of Texas in the year 1905. And also that the present western city limits of said city be extended, for the purposes hereinafter mentioned, westwardly, so as to include in said city the said navigable stream and the land lying on both sides thereof for a distance of twenty-five hundred (2500) feet from the thread of said stream to the boundary line separating the Robert Vince Survey from the Charles Sage and Alex. Ewing Surveys. (Apr. 18, 1913, Ord. Bk. 3, p. 327, Sec. 1.)

Sec. 131. Powers, Authority, Etc., of City of Houston, Over Extension—That within the territory embraced by the extension of said boundary of said city, being a strip five thousand (5000) feet wide, and lying on both sides of said Buffalo Bayou, a distance of twenty-five hundred (2500) feet from the thread of the stream, the said City of Houston hereby assumes, and its officers and agents shall have the right, power and authority to secure land within said territory so added to said city by purchase, condemnation or gift for the improvement of the navigation of said stream in conjunction with the Government of the United States, and the Navigation District in which said stream is located, or either of them, or in its own right, for the purpose of establishing and maintaining wharves, docks, railway terminals, sidetracks, warehouses, or any other facilities or aids whatsoever. Provided, that after the passage of this ordinance adding such territory to said city, said city shall have and exercise within

said limits the fullest and most complete power of regulation of navigation and of wharfage, and of wharfage rights and of all facilities, conveniences and aids to wharfage or navigation consistent with the constitution of the State of Texas, and shall further have authority by its criminal ordinances, or otherwise, to police the navigation of said waters and the use of said wharves, and facilities and aids to wharfage and navigation; provided, that in all condemnation proceedings under this act, the same procedure shall apply that now applies in the condemnation of land by said City of Houston for the purchase of streets; provided, further, that the powers herein assumed are not intended to apply, and shall not apply, within the territory of any city which is already incorporated under the general laws, or under a special charter, or to any land now belonging to any other city or town. (Id., Sec. 2.)

Sec. 132. Beyond Ordinary Boundaries, Property Not Subject to Taxation; Inhabitants Not Entitled to Rights of Citizenship—That the land and premises included within said limits, lying beyond the ordinary boundaries of said city, as established by the present charter granted by the Legislature in the year 1905, and as amended by the qualified voters, is not subject to taxation by the City of Houston, and shall not be taxed by said city, nor shall the inhabitants of said territory, so included, be entitled to the benefits of taxation by said city, nor to the rights and immunities of citizens thereof because of the extension of said limits in accordance with this ordinance. (Id., Sec. 3.)

CHAPTER XI.

Corporation Court.

Sec. 133. Corporation Court Jurisdiction—The Corporation Court shall have jurisdiction within the limits of the City of Houston, with power to hear and determine all cases of violation of the ordinances of the city. (Code 1904, Art. 189.)

Sec. 134. Corporation Court Open for Business—The Corporation Court shall hold no terms and shall be at all times open for the transaction of business. (Id., Art. 190.)

Sec. 135. Rule of Practice—The act of the Legislature of the State of Texas of March 15, 1899, entitled, "An act to establish and create in each of the cities, towns and villages of this State, a State court, to be known as the Corporation Court, in such city, town or village, and to prescribe the jurisdiction and organization thereof, and to abolish Municipal Courts," shall govern the procedure and practice of the Corporation Court in the City of Houston, and the City Council may prescribe such additional rules of practice and procedure as may not be inconsistent with the law creating the Corporation Court, or in conflict with the general laws of the State. (Id., Art. 191.)

Sec. 136. May Be Held by the Mayor or President of the Council—In the absence, sickness or inability of the Judge of the Corporation Court to hold his court, the court may be held by the Mayor or President of the Council, who shall have the same jurisdiction, powers and authority as the Judge thereof. (Id., Art. 191.)

Sec. 137. Form of Accusation—All prosecutions in the Corporation Court shall be conducted in the name of the State of Texas, and shall conclude "Against the peace and dignity of the State"; and when the offense is covered by an ordinance, the complaint may also conclude, "As contrary to the said ordinance." (Id., Art. 193.)

Sec. 138. Pleas Only Accepted in Open Court—All cases coming before said Corporation Court shall be tried and disposed of in open court, and no pleas of guilty shall be accepted except by the judge of the Corporation Court, and all pleas

must be made to said judge of the Corporation Court by offenders or their legal representatives. (Id., Art. 197.)

Sec. 139. Place of Office and Office Hours of Judge and Clerk—The judge and clerk of said Corporation Court shall keep their office at the police station of said city, and said Corporation Court shall be open for the transaction of such business as shall come before it at 9 a. m., and remain open until its morning business is disposed of, and open again at 4 p. m., and dispose of whatever business may be on hand, but shall hold no terms and shall be at all times open for the transaction of business. (Id., Art. 198.)

Sec. 140. Clerk of Court; Also Police Clerk; Duties; Appointment; Salary—The office of Clerk of the Corporation Court of the City of Houston is hereby created. The duties of the Clerk of such Corporation Court shall be, and he shall have power, to administer oaths and affidavits, make certificates, affix the seal of the said Court thereto, and to do generally and perform all things and acts usually or necessary to be performed by clerks of courts in connection with the business thereof, and he shall also act as Police Clerk, and do and perform the duties ordinarily required of, and performed by, such Police Clerk; shall keep the pay rolls of the Police Department, and make and have charge and control of all collections made by the Police Department arising from fines, costs, and all other sources, and shall safely keep all moneys so collected, and daily deposit the same with the City Assessor and Collector of Taxes, together with a daily report of such collections; and, in addition to the duties herein enumerated, he shall do and perform such additional duties as may be required of him by the Mayor and City Council.

The Clerk of the Corporation Court shall be appointed by the Mayor, and shall hold his office, subject to removal at any time by the Mayor or City Council, for a period not longer than two years, unless he shall be reappointed, and he shall receive as salary the sum of One Hundred and Fifty Dollars (\$150.00) per month, unless otherwise provided by the City Council. (Dec. 18, 1905; Ord. Bk. 2, p. 247, Sec. 1.)

Sec. 141. Clerk Shall Take Oath and Give Bond—The Clerk of the Corporation Court shall be required to take an oath to faithfully perform the duties of his office, and shall enter into a bond in the sum of One Thousand Dollars (\$1,000.00), with good and sufficient sureties, to be acceptable to, and approved by, the Mayor of said City, conditioned

that he will faithfully perform all the duties of his office. (Id., Sec. 2.)

Sec. 142. Deputy Clerks; Appointment; Oath; Bond; Duties—There shall be such Deputy Clerks of said Corporation Court as may be appointed by the Mayor from time to time, whose duties shall be the same, and who shall exercise like powers as those provided for the Clerk of said Corporation Court, and who shall take such oath of office and give such bond as may be required from such Clerk of the Corporation Court. Such Deputy Clerks of the Corporation Court shall receive such salary as may be prescribed by the City Council, and shall hold their offices, subject to removal at any time by the Mayor or City Council, for a period not longer than two years, unless they be reappointed. (Id., Sec. 3.)

Sec. 143. Seal of Court—The Mayor of the City of Houston is hereby authorized and directed to procure a seal for said Corporation Court, and to have the same engraved with a star of five points in the center thereof, and have engraved on said seal the words "Corporation Court in Houston, Texas." (Code 1904, Art. 201.)

Sec. 144. Costs to Be Taxed—There shall be taxed against each defendant convicted in said court the same amount of costs as the General Law of the State of Texas provides now shall be taxed against persons convicted of misdemeanor in the courts of Justice of the Peace. (Id., Art. 202.)

Sec. 145. Jurors—Jurors in the Corporation Court who serve in the trial of cases before said court shall receive fifty cents in each case they may sit as jurors, and the amount due jurors shall be paid by the City Treasurer upon the certificate of the clerk of the court, which certificate shall state the service, when rendered, by whom rendered, and the amount due therefor. (Id., Art. 203.)

Sec. 146. Costs and Fines to Be Paid Chief of Police—All fines and costs shall be paid to the Chief of Police or some officer designated by him to receive the same, and the Chief of Police shall have the custody of all defendants against whom fines and costs have been assessed until such fines and costs are liquidated. (Amendment Sept. 22, 1913; Ord. Bk. 3, p. 452, Sec. 1.)

Sec. 147. Additional Duties of Clerk—The clerk of said court shall receive, prepare and file all complaints, and docket

each case, and perform such duties as are presented for him to do by the laws governing said Corporation Court. (Id., Art. 205.)

Sec. 148. Clerk of Corporation Court Shall Make Daily Reports—The Clerk of the Corporation Court shall make a report in duplicate daily, except on legal holidays, to the City Comptroller, showing all commitments issued to the Chief of Police. This report shall show the case number, the name of the defendant, and the amount of fines and costs assessed in each case where commitment has been issued. This report shall be approved by the Judge of the Corporation Court, if it be correct, and shall be signed by the Chief of Police, acknowledging the receipt of commitments in each case reported, if he shall have received the commitments. The Controller shall retain one copy of this report as his authority for charging the Chief of Police with the commitments issued, as provided by ordinance, and shall file the duplicate copy with the Mayor or such other officer as the Mayor may designate.

The Clerk of the Corporation Court shall also make a daily report in duplicate of all cases brought before the Corporation Court, tried and dismissed, showing the number of each case, the name of the defendant, the nature of the offense and the reason for such dismissal or acquittal. One copy of this report shall be filed with the Mayor or such officer as he may designate, and one copy shall be filed with the City Attorney. (Amendment Sept. 22, 1913; Ord. Bk. 3, p. 452, Sec. 2.)

Sec. 149. Chief of Police Shall Make Daily Report—The Chief of Police shall make a report in duplicate daily, except on legal holidays, of all commitments returned by him to the Corporation Court. This report shall show the case number, the name of the defendant and the amount of fine and costs in each case, where commitments have been returned, and shall also show opposite the fines and costs in each case, the manner in which said fines and costs were liquidated.

This report shall be submitted to the Judge of the Corporation Court and if he shall find that he has ordered the release of the defendant in all of the cases reported, as provided for in subdivision (j) of Section 151, he shall approve the report.

When approved by the Judge of the Corporation Court, this report shall be forwarded to the Controller, one copy to be retained by him as his authority for crediting the Chief of Police with the amount of fines and costs reported, as provided

by ordinance, and one copy to be filed with the Mayor or such other officer as the Mayor may designate. (Id., Sec. 3.)

Rules of Procedure for the Corporation Court.

Sec. 150. Judge to Keep Minutes—The Judge of the Corporation Court shall keep a docket, to be known as the “Minutes of the Corporation Court,” and in said minute book shall be noted by the Judge of said Court all continuances, trials by the court or by jury, judgments and whether for dismissal or for a fine and costs, with the amount of the fine; new trials and notices of appeal. (Code 1904, Art. 209.)

Sec. 151. (a) Proceedings, How Commenced—All proceedings shall be commenced by filing a complaint, duly sworn to, before any person authorized by law to administer oaths, and filed with the clerk of the Corporation Court. (Id., Art. 210.)

(b) Complaint Shall State Name—The complaint shall state the name of the person charged with an offense, or if the name cannot be obtained, then a description of the person, as near as may be, the nature of the offense, and the time and place where the offense was committed. (Id., Art. 210.)

(c) Warrant Shall Be Issued—If the defendant be not in the custody of an officer or other person authorized to make an arrest, a warrant shall be issued by the clerk, directed to the Chief of Police, or any policeman of the City of Houston, commanding said Chief of Police or policeman to forthwith arrest the person named or described in said warrant, and to bring the person named or described therein forthwith before the Judge of the Corporation Court for a hearing upon said complaint. (Id., Art. 210.)

(d) Complaint to Be Read to Defendant—The complaint shall be read to the defendant, who shall plead thereto, and the plea entered upon his docket by the Judge of the Corporation Court. (Id., Art. 210.)

(e) Plea of Guilty—If the person charged with an offense plead guilty before the Corporation Court, the Judge of the Corporation Court shall thereupon enter the plea on the Judge's docket and assess such fine and costs as may be authorized by law, or by the ordinances of the City of Houston. (Id., Art. 210.)

(f) Plea of Not Guilty—If a plea of not guilty be entered to the complaint, a trial shall be had, either by the court or by a jury, as the defendant may elect. (Id., Art. 210.)

(g) **Continuances**—Continuances shall be granted by the court, upon the same terms and in accordance with the procedure now provided by law for continuances in Justice of the Peace Courts in misdemeanors. (Id., Art. 210.)

(h) **Judgment**—Judgment shall be rendered in the Corporation Court, for dismissal or for a fine and costs, as the facts may appear. (Id., Art. 210.)

(i) **Appeal**—Unless the judgment be appealed from, and an appeal bond approved and filed, it shall be the duty of the clerk of the court and he is hereby required to forthwith issue a commitment, directed to the Chief of Police or any policeman of the City of Houston, to commit the defendant to the city jail until the full amount of the fine and costs be paid, or until the defendant be discharged according to law. (Id., Art. 210.)

(j) **Prisoners to Be Released**—Upon the liquidation of the fine and costs against any defendant under commitment, either by payment of the cash as provided in Section 146, or otherwise as provided in Section 753, or upon the certificate of the Health Officer directing immediate release of such person as is provided for in Section 753, it shall be the duty of the Chief of Police to discharge such person and make return of the commitment under which such person was held by him to the Corporation Court, showing such facts for the approval of the Judge of said Court, and if the Judge of said Court shall find the facts stated in said return to be true he shall approve the same and shall make a note of such approval on the docket of the court under the notation of the conviction of such person, and the Chief of Police shall make a proper record of such discharge on the record of commitments and prisoners, as provided for in Section 756.

In the event any prisoner dies or escapes before his discharge, the Chief of Police shall make his return to the Corporation Court, showing that such person has died or escaped, and, if he has escaped, such return shall show that the escape was not caused by any negligence or connivance of such Chief of Police, or any member of the Police Department, whereupon the Judge of said Court, if he accept and approve such return, shall enter such facts on his docket, and the Chief of Police shall make record of the disposition of the prisoners on the record of commitments provided for in Section 756.

When any person has labored for a sufficient number of days, or is entitled to be released under any provision of the ordinances, except as hereinabove provided for, it shall be the

duty of the Chief of Police to bring such person before the Corporation Court with the return of the commitment showing such facts authorizing the release of such person, and if the Judge of the Corporation Court shall find the facts to be true as stated in such return and such facts authorize the discharge or release of such person, then he shall approve such return and order the release or discharge of such person from custody, making a record of such order, the date thereof and the reason therefor upon the docket, and on the authority of such order it shall be the duty of the Chief of Police to release or discharge such person forthwith, and make a proper record of such discharge on the record of commitments and prisoners provided for in Section 756. (Amendment Sept. 22, 1913; Ord. Bk. 3, p. 452, Sec. 5.)

(1) No Reduction in Fine and Costs After Report—Hereafter there shall be no reduction of the fine and costs, or any part of the fine and costs, by the Judge of the Corporation Court after the daily report of docketed complaints has been made and transmitted by the clerk of the court to the City Auditor or City Controller, and all such fines and costs shall be paid in full to the clerk of the Corporation Court, except as hereinafter provided, as follows:

1. (a) New Trial—The Corporation Court may for good cause, shown on motion in writing and filed with the clerk of the court, and service of said notice upon the City Attorney, by copy or by acceptance, endorsed on said notice, grant the defendant a new trial, whenever he shall consider that justice has not been done the defendant in the trial of such case.

(b) Application—An application for a new trial must be made within one day after the rendition of judgment, and not afterward, and the execution of the judgment shall not be stayed until after the motion for a new trial has been heard and granted.

2. Appeal—The execution of the judgment shall not be stayed until after the appeal bond has been approved and filed.

(m) Judge May Recommend Remittance of Fines, Etc.; Procedure on Recommendation—In all cases mentioned in Section 151, Subdivision (i) of this chapter, the Judge of the Corporation Court may, in all cases where he has reason to believe that an unjust or excessive fine has been imposed, recommend to the Mayor in writing, upon a blank to be prepared for that purpose, that the fine or the fine and costs imposed, or any part thereof, be remitted, and the Mayor may,

in his discretion, approve such recommendation, modify or disapprove of the same in whole or in part, and the action of the Mayor shall be transmitted to the clerk of the Corporation Court, to be entered upon the Corporation Court docket by the clerk, and thereupon said clerk shall issue an order to the Chief of Police, in accordance therewith, and said recommendation of the Judge of the Corporation Court, with the approval of the Mayor endorsed thereon, shall be attached to and made a part of the order issued to the Chief of Police by said clerk. (Code 1904, Art. 210.)

Sec. 152. Clerk to Keep Docket—The clerk of the Corporation Court shall keep a docket, to be known as the "Corporation Court Docket," in which shall be entered: 1. The number of the case. 2. Date of filing. 3. The name of the complainant. 4. Name of the defendant. 5. Nature of the offense. 6. Plea of defendant. 7. Continuances. 8. Judgment of the court. 9. Amount of fine. 10. Amount of costs. 11. Total fine and costs. 12. Amount paid by defendant. 13. Amount for which defendant was committed. 14. Amount remitted. 15. Date released. 16. Appeal; (a) Date of filing appeal bond; (b) Final disposition. 17. Remarks. (Id., Art. 211.)

Sec. 153. City Attorney Not to Nolle Prosequi—The City Attorney shall not nolle prosequi a case unless he shall file a written statement with the clerk of the Corporation Court, setting out his reasons for such dismissal, which reasons shall be incorporated in the judgment of dismissal, and no case shall be dismissed without the permission of the Judge of the Corporation Court, who shall be satisfied that the reasons so stated are good and sufficient to authorize such dismissal. (Id., Art. 212.)

Sec. 154. The failure upon the part of the Judge of the Corporation Court, or of the clerk of the Corporation Court, to comply with the provisions of this chapter shall be cause for removal and impeachment of said officers, or either of them. (Id., Art. 213.)

Sec. 155. No One in Employ of City to Represent Violator of City Ordinances—It shall be unlawful for any person who receives a salary from the City of Houston to be in any way, directly or indirectly, interested in the defense of any person charged with the violation of any ordinance of the City of Houston, or of any of the criminal laws of the State of Texas,

except so far as it may be necessary to give evidence in behalf of persons so charged with violating any of said ordinances, or one of said criminal laws. (Id., Art. 214.)

Sec. 156. That the provisions in regard to judgments, executions and the collection of fines, as prescribed by the Code of Criminal Procedure, shall apply to the judgments, executions and collection of fines in the Corporation Court, the Judge having in regard to such matters all the powers of Justice of the Peace. (Id., Art. 215.)

Sec. 157. That the different provisions, rights, powers and modes of procedure recited in the law passed by the Twenty-sixth Legislature of the State of Texas, entitled "An Act to establish and create in each of the cities, towns and villages of this State a State court, to be known as the Corporation Court in said city, town or village, and to prescribe the jurisdiction and organization thereof, and to abolish Municipal Courts," are hereby adopted, so far as applicable, and are to be enforced and applied in the administration of the Corporation Court of the City of Houston. (Id., Art. 216.)

Sec. 158. Corporations, Jurisdiction Over; How Acquired Over—That in every case where a corporation violates a penal ordinance of the City of Houston it shall be sufficient for the Corporation Court to acquire jurisdiction over the said corporation for the purpose of trying the suit, for a citation to issue from the Corporation Court and be served upon said corporation by some member of the Police Force, the manner of service to be that provided for service of citation in civil suits upon corporations by the laws and statutes of Texas. The said citation shall state briefly the offense with which the corporation is charged and the time and place of the hearing thereon, and shall require the corporation at such time and place to answer the said complaint. And it shall not be necessary to acquire jurisdiction over a corporation violating an ordinance of the City to make any arrest in connection with the prosecution. (June 23, 1910; Ord. Bk. 2, p. 569, Sec. 1.)

Sec. 159. Fines, How Assessed Against Corporations—In every case in which a corporation may be guilty of violating a penal ordinance of the City of Houston, and a fine is assessed therefor in the Corporation Court, such fine shall be assessed against the corporation, and may be assessed also against the manager or other person in charge of the business of said corporation, and against the particular agents or persons en-

gaged in the violation of the ordinance, and such manager or other person and agents may be joined as defendants in the complaint and prosecution against the corporation or not, as the person filing said complaint may consider advisable in the particular case. (Id., Sec. 2.)

CHAPTER XII.

Definitions.

Sec. 160. Time—The words used in this compilation and revision in the past or present tense include a future as well as the past and present.

Gender—Words used in the masculine gender include the feminine and neuter.

Number—The singular includes the plural, and the plural includes the singular number.

Person—The word “person” includes a corporation, a firm or a partnership as well as a natural person.

Writing—“Writing,” or “Written,” includes printing on paper.

Signature or Subscription includes mark where the person can not write.

Property—The word “property” includes real and personal property.

Real Property includes land, tenements and hereditaments.

Personal Property includes every species of property except real property as above defined.

Year and Month—The word “year” means a calendar year, and the word “month” means a calendar month.

Bond—When a bond is required, an undertaking in writing is sufficient.

Money—The word “money” includes gold and silver coin and bank notes or bills.

The City—The words “the city” mean the body corporate created by the act of incorporation.

The Council—The words “the Council” mean the Mayor and Aldermen acting as the City Council of Houston.

The Corporation—The words “the Corporation” mean the city as above defined.

The Mayor—The words “the Mayor” include and apply to any Alderman acting as Mayor. (Code 1904, Art. 55.)

CHAPTER XIII.

Elections.

Article 1.—General, Etc.

2.—Primary.

ARTICLE 1.

GENERAL, ETC.

Sec. 161. Qualifications of Electors—All qualified electors of the State, who shall have resided for six months next preceding any election for city officials within the limits of said City, shall have the right to vote for Mayor and all other elective officers of said city; provided, in all elections to determine the expenditure of money or assumption of debt, only those shall be qualified to vote who own real estate within the limits of said city. (Code 1904, Art. 824.)

Sec. 162. Adoption Precincts Laid Out, Etc., by Commissioners Court—That in all city elections held in the City of Houston, except where different election precincts or districts may be prescribed by an ordinance or resolution calling for the particular election, said election shall be held in and for the districts or precincts in said City of Houston as are now or hereafter may be laid out, prescribed, established and defined by the Commissioners Court of Harris County, Texas. (Amendment Feb. 23, 1914; Ord. Bk. 4, p. 173, Sec. 1.)

Sec. 163. Duties of Mayor, Etc.; Judges, Etc.; Polls; Notice—For conducting city elections, whether general or special (except primary elections), the Mayor shall appoint a Presiding Judge and an Assistant Judge and two Clerks to preside and conduct the election at each voting place. The Mayor shall also designate the place for holding the polls. And the election shall be conducted in every respect in accordance with this article and the State Election Laws.

Said elections shall be called and notice of said elections shall be given by the Mayor, which notice shall state the time of holding the election; the various offices for which candidates are to be voted for, the proposition submitted to the people where one is submitted, the names of the place or places in each precinct where the polls shall be held, the name of the presiding officers and judges of the election. Said

notice shall also state the hours for opening and closing the polls. And the Mayor shall cause said notice to be posted up at the places designated for holding said election for thirty (30) days prior to the date of said election. And if he chooses to do so, the Mayor may also issue and have published in some daily newspaper published in the City of Houston a proclamation containing the information required to be given in such notice, which proclamation may be published at least once, more than twenty (20) days before the date of said election. (Mar. 4, 1907; Ord. Bk. 2, p. 350, Sec. 2.)

Sec. 164. Returns of Election; Examination, Etc.; Certificates of—In the regular election to be held on the second Monday in April, 1907, and every two years thereafter, for the election of a Mayor and four Aldermen at large, in the City of Houston, and in all other elections, the returns of said election, properly signed and certified as correct by the judges and clerks thereof, shall be made up immediately after the said vote is cast, and shall show the vote cast for each candidate, or shall show the vote cast for each proposition, where propositions are submitted to the voters in the particular election, and shall be sealed and immediately delivered after such election, to the Mayor and City Council, whose duty it shall be, at the first regular meeting after the election is held, to examine and count the returns of said election and to canvass the same and declare the result thereof; and when the election is held for the election of City officials, to issue proper certificates to the successful candidates, signed by the Mayor, provided, that if no regular meeting shall be held within one week after said election is held, it is hereby made the duty of the Mayor to call a special meeting of the City Council for the purpose of counting the vote and determining the result of the election within one week after the same is held, and in elections held for the purpose of electing City officials, the officers declared to be elected at such election shall be entitled to qualify immediately after the declaration of the result of the election upon taking the oath of office prescribed by law; in all elections other than elections held for the election of City officials it shall also be lawful for the vote to be canvassed and the result declared by the Council at any special meeting of the Council called at a time after the receipt by the Mayor of the returns of the election and prior to the date above specified.

In case the Mayor, for any cause, shall fail or refuse to act, then the City Council, or a majority thereof, shall perform the duty herein assigned to the Mayor. (Id., Sec. 3.)

Sec. 165. Who Shall Vote—None but qualified voters of the City of Houston shall be permitted to vote in any City election, and such voters shall have paid their State and County poll taxes, or have exemption certificates as required by the General Election Law, and shall have such other qualifications as may be prescribed by law for persons voting in the particular election. (Id., Sec. 4.)

Sec. 166. Polls Opened and Closed—The polls at said election shall be opened at eight o'clock a. m. and closed at seven o'clock p. m. And generally the manner of holding said City elections shall be governed by this ordinance and by the Charter of the City of Houston, and the laws of the State, where applicable. (Id., Sec. 5.)

Sec. 167. City to Furnish Ballots—That the official ballot cast in City elections shall be prepared, printed and distributed by and under the supervision of the Mayor or City Council, and at the expense of the City of Houston. (Id., Sec. 6.)

Sec. 168. Candidates to Be Placed on Ballot—That in regular elections held for the election of a Mayor and four Aldermen at large, there shall be placed on the official ballot the names of such persons as may have been nominated as candidates of any particular party or political organization, in accordance with the laws of the State, the Charter of the City of Houston, and the ordinances made in pursuance thereof, at a general primary, and the names of such other persons as may be entitled to be placed on said official ballot under the terms of the General Election Law and the Charter and ordinances of the City of Houston. (Id., Sec. 7.)

Sec. 169. Date of Holding Regular—There shall be held on the second Monday in April, 1907, and every two years thereafter, a regular election for the election of a Mayor and four Aldermen at large; and said election shall be called by the Mayor and notice thereof given as herein prescribed. (Id., Sec. 8.)

ARTICLE 2.

PRIMARY.

Sec. 170. Date for Holding Primary Elections—That where any political party or political organization whatsoever, entitled under the law to hold a Primary Election for the selection of candidates for the offices of Mayor of the City of Houston, or Aldermen of the City of Houston, or Controller, shall determine to hold such Primary Election, the same shall

be held not later than a date at least thirty (30) days before the date of the regular election for a Mayor, four Aldermen and Controller; that is, not later than a date at least thirty days before the second Monday in April of the year in which the election is held. (Jan. 28, 1907; Ord. Bk. 2, p. 362, Sec. 1.)

Sec. 171. Written Application Necessary to Be Placed on Ballot; Requisites of Application; How Voted For—The name of no candidate for the office of Mayor or Aldermen or Controller of the City of Houston shall be received or placed on the official ballot at such Primary Elections, unless the said candidate possesses all the qualifications prescribed by the Charter of the City of Houston as necessary for an incumbent of said office, nor shall the name of any candidate for Mayor, or Aldermen or Controller, or member of the executive committee, be received or placed on the official ballot unless the said candidate presents a written application containing each and every Charter requirement, and agreeing to abide by the result of such Primary Election, signed by the applicant or by his authority, to the executive committee of such political party or political organization, to be placed on the official ballot as a candidate for such office or position, and if a candidate for Alderman, describing the position for which he is a candidate, at least ten (10) days before the date of said Primary Election and the said candidates who are voted for at said Primary Election shall be voted for at large by all of the legally qualified voters of said party or organization in said city, without restricting the nomination of candidates for either position to any smaller designated territory within the limits of said city; nor shall the name of any candidate presented to be placed on the official ballot of said Primary Election be accompanied by any territorial or other designation which shall have the effect, either directly or indirectly, to present said candidate before the people as the candidate of any particular section or part of the city, or other than as a candidate at large from the city as a whole. (Amendment March 3, 1914; Ord. Bk. 4, p. 220, Sec. 1.)

Sec. 172. Precincts Laid Out, Etc., by Commissioners Court Adopted—Said Primary Election shall be held in and for the districts or precincts as are now or as hereafter may be laid out, prescribed, established and defined by the Commissioners' Court of Harris County, Texas. (Id.)

Sec. 173. Nomination of Candidates, How Determined—That at said Primary Election the nomination of candidates shall be determined as follows:

(a) Candidates receiving a majority of first choice votes for any office shall be nominated. If the full number of candidates to be nominated do not receive such a majority of the first choice votes for such office, a canvass shall then be made of the second choice votes received by those candidates for the said office who are not nominated by first choice votes; said second choice votes shall be added to the first choice votes received by such candidates, and candidates who with such addition shall receive a majority shall be nominated.

(b) If by the count of either first choice votes, or first and second choice votes, as above provided, more candidates than there are places to be filled shall receive a majority, the candidate or candidates equal in number to the number of places to be filled having the highest vote shall be nominated.

(c) If the full number of candidates to be nominated do not receive a majority by adding first and second choice votes, as above described, a canvass shall then be made of the third choice votes received by those candidates for said office who are not nominated either by first choice votes, or by adding first and second choice votes; said third choice vote shall then be added to the first and second choice votes received by such candidates and the candidates equal in number to the number of places remaining to be filled who receive the highest number of votes by said addition shall be nominated.

(d) A tie between two or more candidates shall be decided in favor of the one having the highest number of first choice votes. If they are also equal in that respect, then the highest number of second choice votes shall determine the result. If this does not decide, then the tie shall be determined by lot.

(e) The word "majority," when used in this chapter, shall mean more than one-half of the total number of ballots cast at such election. (Id.)

Sec. 174. Qualifications of Voters—None but qualified voters of said City of Houston shall be allowed to vote at said election, and any person voting at said election shall also possess such additional qualifications as may be prescribed by the political party or organization holding said Primary Election. And any person undertaking to vote in said Primary Election shall present to the officers thereof his poll tax receipt showing payment according to law of any and all taxes due by him or shall present his exemption certificate in the same manner as provided by law in holding regular elections; and no person failing to comply with the laws prescribed for holding

regular elections in this particular shall be permitted to vote. (Id.)

Sec. 175. Mayor to Give Notice of Holding Such Election; Contents of Notice; Executive Committee to Furnish Names Judges, Etc.—If the executive committee of any political party or other political organization authorized by the law to hold a primary election shall determine to hold a primary election, then said executive committee shall notify the Mayor of the City of Houston in writing of said determination to hold a political primary, more than thirty (30) days prior to the date of said primary; and the Mayor of the City of Houston after receiving said written notice shall, in the name of said executive committee, countersigned by the Mayor, give notice of said election, which notice shall state the time of holding the election, and the various offices and positions for which candidates are to be voted on, the names of the place or places in each precinct where the polls shall be held, said places to be determined by the Mayor and City Council; the names of the presiding officers and judges of the election, which are to be furnished by the said executive committee, but in default of being furnished by said executive committee, such presiding officers or judges of the election shall be designated by the Mayor and City Council, four members of the political party or political organization holding the election. Said notice shall also state the hours for opening and closing the polls; and the Mayor is directed to cause said notice to be posted up at the places designated for holding said election for thirty (30) days prior to the date of said election; and if he chooses to do so, the Mayor may also issue and have published in some daily newspaper published in the City of Houston, a proclamation containing the information required to be placed in said notice, which proclamation may be published in some daily newspaper published in the City of Houston, at least once, more than twenty (20) days before the date of said primary election. All the expense of posting said notices and of providing the places for holding the said primary election shall be paid by the City of Houston, as well as the expense of publishing said notice of election, if the Mayor shall determine to publish the same. (Jan. 28, 1907; Ord. Bk. 2, p. 362, Sec. 6.)

Sec. 176. Executive Committee to Furnish Mayor Names Judges, Etc.—At the time when said executive committee determines to hold said primary election, and when they notify the Mayor and City Council of their intention so to do, they

shall at the same time furnish to the Mayor for each election precinct, as designated by this article, the names of a Presiding Judge therein, of an Assistant Judge at said precinct, and of two (2) Clerks at said precinct. (Id., Sec. 8.)

Sec. 177. Polls Opened and Closed, When—The polls at said primary election shall be opened at eight (8) o'clock a. m. and closed at seven (7) o'clock p. m., and generally the manner of holding said primary election shall be governed by this article and by the Charter of the City of Houston, and the laws of the State, where applicable. (Id., Sec. 9.)

Sec. 178. Executive Committee to Furnish, Etc., Names, Etc.; Form of Ballots, to Be Furnished by the City; Manner of Voting, Etc.—(a) At least nine (9) days before the date of holding said primary election, the executive committee of the particular party or political organization holding the primary election shall furnish to the Mayor or City Council of the City of Houston a list of the names of all qualified candidates who have presented to said executive committee their written application, to be voted on as candidates of the political party or political organization for the offices of Mayor, for the offices of Aldermen at large, the latter each designating the position for which he is a candidate, and Controller, and as members of the executive committee of said political party or organization; and the Mayor or City Council shall thereupon have printed at the expense of the City of Houston, and furnish to the officers of the election, the official ballot of persons to be voted upon at the primary election of said political party or organization, together with all necessary stationery.

(b) In said official ballot there shall not be attached to the name of any candidate any designation which may have the effect, either directly or indirectly, to cause him to be regarded as a nominee or candidate of a particular section of the city or other than a candidate at large; nor shall the name of any person presented in violation of the terms of Section 171 be printed on said official ballot.

(c) The ballots shall contain a complete list of the offices to be filled and the names of the candidates of such political party therefor. When the number of candidates is more than three times the number of offices to be filled the form of the ballot shall be substantially as follows: It shall be designated "Official Ballot." Underneath this shall appear the following:
———(name of political party) primary for the nomination of elective officers.

(d) Instructions to voters. To vote for any candidate place a cross (X) mark with ink in a blank space opposite the name of the candidate for whom you desire to vote. If you wrongly mark, tear or deface this ballot, return it to the judges of the election and obtain another.

Do not vote more than one choice for any candidate, as only one choice will be counted.

Vote as many third choices as you wish.

Vote your first choice in the first column.

Vote your second choice in the second column.

Vote in the third column for all the other candidates whom you wish to support.

(Suggested form for ballot without heads and instruction.)

One Mayor to Be Nominated.

Mayor	First	Second	Third
(Names of Candidates)	Choice	Choice	Choice

Four Aldermen or Commissioners to Be Nominated.

Alderman	First	Second	Third
No. 1	Choice	Choice	Choice

Tax and Land Commissioner—

(Names of Candidates)

Alderman	First	Second	Third
No. 2.	Choice	Choice	Choice

Fire Commissioner—

(Names of Candidates)

Alderman	First	Second	Third
No. 3.	Choice	Choice	Choice

Street and Bridge Commissioner—

(Names of Candidates)

Alderman	First	Second	Third
No. 4.	Choice	Choice	Choice

Water Commissioner—

(Names of Candidates)

One Controller to Be Nominated.

Controller—	First	Second	Third
(Names of Candidates)	Choice	Choice	Choice

One Chairman—Executive Committee to Be Elected.

Chairman of	First	Second	Third
Executive Committee—	Choice	Choice	Choice
(Names of Candidates)			

Four————Executive Committeemen to Be Elected.

Executive Committeemen—	First	Second	Third
(Names of Candidates)	Choice	Choice	Choice

(Other officers, if any, charter amendments or other referendum matters to be voted upon here.)

(e) When the number of candidates is more than three times the number of places to be filled the ballot shall contain three columns as above, headed, respectively, first, second and third choice, so that there shall be three blank spaces after the name of each candidate, one under each of said designations.

(f) When the number of candidates is more than two times the number of offices to be filled, and not more than three times the number of offices to be filled, the ballot shall give first and second choice columns only.

(g) When the number of candidates is not more than two times the number of offices to be filled, only one column for marking votes shall appear.

(h) The instructions to voters shall be changed to correspond with the number of columns for choice on the ballot.

(i) All ballots shall be of the same size and quality, on white paper of the same tint and same kind of type, and printed with black ink. Space shall be provided for charter amendments and other questions to be voted on at City elections. The names of the candidates shall be arranged by lot by the executive committee as provided by law.

(j) Such executive committee at least ten days before the primary election shall cause, at the expense of the City, as many sample ballots as may be necessary to abundantly supply the voters to be printed upon paper of different color, but otherwise identical with the ballots to be used at the election, and shall distribute the same upon application to the qualified voters of said City.

(k) Such ballots shall be counted at the time and in the manner provided by law, and the judges shall cause to be entered the number of first, second and third choice votes for each candidate on the tally sheet and make return thereof to the executive committee as provided by law.

(l) If a ballot contain more than one vote for the same candidate, only the one of such votes highest in rank shall be counted. All ballots shall be void which do not contain first and second choice votes for as many candidates as there are offices to be filled, if the voter votes for any candidates for

any such office or offices, and shall also be void if, in voting for a candidate for any single office where there are two or more candidates, the voter fails to vote for a first and second choice. If a ballot contain either first or second choice votes in excess of the number of offices to be filled, no vote in the column showing such excess shall be counted.

(m) No informalities in conducting a municipal primary election shall invalidate the same if they be counted fairly and in substantial compliance with the Constitution and laws of the State of Texas and the Charter and ordinances of the City of Houston. (Amendment Mar. 3, 1914; Ord. Bk. 4, p. 220, Sec. 1.)

Sec. 179. Executive Chairman and Committee—The division of the City of Houston into wards having been abolished by the present Charter of the City of Houston, there should be voted for and elected at said primary election by a vote of all the qualified voters at large of the City of Houston who are members of the political party or organization holding said primary, a chairman of the executive committee of said political party or political organization for the City of Houston, and also four (4) members at large of said executive committee, in addition to the chairman thereof, as prescribed by the Terrell Election Law. The names of candidates for members of the executive committee shall be presented to the executive committee in the same manner as the names of candidates for Mayor and for Aldermen at large; and all the terms of this article shall apply to the chairman of the executive committee and to the four (4) executive committeemen at large, in the same way as to the candidates for Mayor and Aldermen. (Jan. 28, 1907; Ord. Bk. 2, p. 362, Sec. 11.)

Sec. 180. Returns of Election; Canvassing Thereof; Certification of Candidates Nominated—The returns of the primary election, properly signed and certified, shall be made up immediately after the said vote is cast, and shall be properly signed and certified as correct by the judges and clerks of said election, and shall show the first choice vote, the second choice vote and the third choice vote cast for each candidate, and shall be sealed and immediately delivered, after such primary election, to the chairman of the City Executive Committee of the political party or organization. Said chairman shall give notice at once to the members of the City Executive Committee to assemble at the City Hall of the City of Houston, at a date not later than two days after the holding of said primary elec-

tion, and said returns shall then be opened under the direction of such executive committee and canvassed by them. They shall then make a list of the candidates who have been nominated as candidates by such political party for the various offices and positions, being governed and controlled in determining such facts and making such list by Section 173 hereof and other provisions of this article applicable and not inconsistent with said Section 173, which list of candidates so nominated the chairman of the executive committee shall certify to be correct and deliver to the Mayor and Council of the City of Houston, who shall cause the names of the candidates who have received the necessary vote to nominate, to be printed in some newspaper published in the City of Houston, and to be printed on the official ballot in the regular election for City officials, to be held thereafter. After the votes are counted by the judges of the election of each precinct, and returns correctly prepared, the votes shall be sealed in the ballot boxes and turned over by the judges of election, along with their returns, to the City Executive Committee and said sealed ballot boxes shall be by the City Executive Committee turned over to the City Secretary of the City of Houston at the time when the vote, as canvassed by the executive committee of the political party, is certified to the Mayor and Council. (Amendment Mar. 3, 1914; Ord. Bk. 4, p. 220, Sec. 1.)

Sec. 181. Judges, Etc., Must Have Paid Poll Taxes—No one shall serve as a judge, clerk or officer in the primary election, unless he has paid his poll taxes and is qualified to vote in the said primary election. (Jan. 28, 1907; Ord. Bk. 2, p. 362, Sec. 13.)

Sec. 182. Candidates May Select Supervisors; Duties of; Appointment—Any one-fourth ($\frac{1}{4}$) of the candidates whose names appear on the official ballot may on the day preceding the election or prior thereto, agree in writing signed by them, upon two (2) Supervisors in each election box and when such officers have been so selected their selection shall be notified in writing to the chairman of the executive committee, or to the executive committee, and said Supervisors shall then be named as election officers, and shall be sworn as election officers, and while the election is being held they shall remain in view of the ballot boxes until the count is concluded, and they shall report any fraud or irregularity occurring to the next Grand Jury; all the expenses of said Supervisors shall be paid by the applicants; if said executive committee, or the chairman of the executive committee, refuses or fails to name such Su-

pervisors as election officers when said selection in writing has been presented to him, or them, the applicants for the appointment of said Supervisors shall at once file with the Mayor and Council a written complaint setting up such application to the executive committee, or to the chairman thereof, and the failure or refusal of said committee or the chairman thereof, and thereupon the Mayor and Council, either at a regular meeting, or any executive session, if the Supervisors named are qualified voters and members of the political party or organization holding said primary election, shall designate them as joint officers to hold said primary election, who when so designated shall enter upon their duties, being duly sworn, and participate in the holding of said election as Supervisors along with the election officers designated by the executive committee; but the expense of each Supervisor shall be paid by the candidates at whose instance they are named. (Amendment Jan. 30, 1911; Ord. Bk. 3, p. 22, Sec. 1.)

CHAPTER XIV.

Electrical Department.

Article 1.—Creation, Etc.

2.—City Electrician, Etc.

3.—Construction, Etc.

ARTICLE 1.

CREATION, ETC.

Sec. 183. Creation of—That there is created the Electrical Department, of which the City Electrician, under the supervision and jurisdiction of the Mayor and City Council, shall be the executive head, and this department shall have control over electrical wiring, and the construction, installation, alteration, operation and maintenance of electrical wiring, work, apparatus, poles and fixtures within the City of Houston and the inspection thereof. (Mar. 11, 1914; Ord. Bk. 4, p. —, Sec. 1.)

Sec. 184. Composition of—That the Electrical Department shall consist of the City Electrician and such assistants and employees as may be allowed by the Mayor and City Council. (Id., Sec. 2.)

ARTICLE 2.

CITY ELECTRICIAN, ETC.

Sec. 185. Creation of Office; Qualifications—That there is created the office of City Electrician; that he shall be a practical and skilled electrician and shall be appointed by the Mayor and confirmed by the City Council. (Mar. 11, 1914; Ord. Bk. 4, p. —, Sec. 4.)

Sec. 185a. Oath; Bond—That the City Electrician shall, before entering upon the discharge of the duties of his office, take the constitutional oath of office, and execute and deliver to the City a good and sufficient bond with sureties thereon to be approved by the Mayor, in the sum of One Thousand Dollars (\$1000.00), conditioned for the faithful performance of the duties of his office, as prescribed by the ordinances. (Id., Sec. 5.)

Sec. 186. Duties of; Restrictions Upon Engaging in Business, Etc.—That the City Electrician shall have charge of the fire and police telegraph systems of the City of Houston and shall keep the same in the highest state of efficiency; that he shall have the power, and it shall be his duty, to inspect or re-inspect all overhead, underground and interior wires and apparatus conducting electric current for any of the purposes set forth in the ordinances, and when said conductors or apparatus are found to be unsafe to life or property, he shall notify the person, firm, corporation or association owning, using or operating the same, to place the same in a safe condition within forty-eight (48) hours and it shall be their duty so to do. He shall be charged with the duty of enforcing all the ordinances of the City of Houston relating to electrical wiring, and the construction, installation, repair, alteration, operation and maintenance of electrical wiring, work, apparatus and fixtures, and with the inspection of the same. He shall also institute, by and with the advice of the City Attorney, such prosecutions as may be necessary against any violators of the ordinances with the enforcement of which he is charged; he shall devote his entire time and attention to the duties of his office and shall make such rules and regulations as he may deem advisable for the successful operation of his department, subject to the approval of the Mayor and City Council. He shall perform such other duties as may be imposed upon him by the ordinances, or by the Mayor and City Council; he shall make full reports each month to the City Council of all work inspected by him and fees collected, and such other matters as may be connected with his office. He shall not be a member of any firm or corporation in business, or controlling any branch or occupation thereof, or be interested in any work let or to be let, or perform any duties not expressly provided in this chapter or by the City Council. (Id., Sec. 6.)

Sec. 187. Salary of; Appointment of Assistants, Etc.; Suspension of Assistants, Etc.—That the City Electrician shall receive a salary of One Hundred and Ninety Dollars (\$190.00) per month; that the assistants and employees of the department, allowed by the Mayor and City Council, shall be appointed by the Mayor, and shall receive such salary as the Council may fix. That the City Electrician, with the approval of the Mayor, may suspend any of such assistants or employees for insubordination or inattention to, or neglect of, duty, or violation of the ordinances, until he has been removed, discharged or reinstated, and during the time of such sus-

pension, unless he be reinstated without prejudice, he shall not be entitled to the pro rata portion of his salary. (Id., Sec. 7.)

ARTICLE 3.

CONSTRUCTION, ETC.

Sec. 188. Definition Words "City Electrician," "Master Electrician," "Contracting Electrician" and "Journeyman Electrician"—That the words "City Electrician," wherever used in this chapter, shall be held and construed to mean and include the City Electrician or any of his duly authorized assistants; provided, that the words "Master Electrician," wherever used in this chapter, shall be held and construed to mean a qualified Journeyman Electrician, contracting for himself, or for a Contracting Electrician, or an individual having had at least four (4) years' experience in electrical contracting or superintending electric work; provided, that the words "Contracting Electrician," wherever used in this chapter, shall be held and construed to mean any person, firm or corporation (not coming under the meaning of "Master Electrician"), conducting the business of wiring and the construction, installation, repair, alteration and maintenance of electric wiring, work, apparatus and fixtures; provided, that the words "Journeyman Electrician," wherever used in this chapter, shall be held and construed to mean an electrician exceeding twenty-one years of age who shall have had at least four (4) years' practical experience at his trade. (Mar. 11, 1914; Ord. Bk. 4, p. —, Sec. 3.)

Sec. 189. "National Electric Code," Amendments, Supplements, and Subsequent Codes Adopted, Etc.—That the rules and regulations of the National Board of Fire Underwriters embodied in its "National Electric Code" published in 1913, and such subsequent codes, amendments and supplements as the said National Board of Fire Underwriters shall adopt, are hereby adopted as the rules and regulations to govern and be observed and followed in all electrical wiring, and all construction, installation, repair, alteration, operation and maintenance of electrical wiring, work, apparatus or fixtures, except as may hereafter be specially provided in this chapter, and the same are hereby made a part of this chapter and of the ordinances of the City of Houston as fully as if copied herein in full; provided, that any printed book marked "National Electric Code 1913," or any subsequent year, or any book which purports to be a supplement or amendment to such code,

which purport on their face to be the rules and requirements of said National Board of Fire Underwriters governing such matters, shall be admitted in evidence with the same force and effect as the original rules and regulations without other or further proof, and the interpretation of the code by the City Electrician shall be final. (Id., Sec. 8.)

Sec. 190. Metal Conduits, Etc., When Required—That the wires used for conducting electricity except telephone, telegraph, call bell or similar systems shall be inclosed in approved metal conduits or metal moulding, installed in accordance with the rules and regulations of said "National Electric Code," provided, that the provision requiring metal conduits or moulding shall apply only within the fire limits of said City of Houston, or such fire limits of said City as the same may be hereafter extended. This rule shall apply to all apartment houses of over two (2) apartments and all buildings used for public gatherings in the City of Houston. (Id., Sec. 9.)

Sec. 191. Fuse Blocks, Etc.; Additional Requirements Not Contained in "National Electric Code"—That it shall be unlawful for any person to bridge a fuse block with wire or fuse any conductor above its rated capacity; provided, that in all installations where half-inch conduits are used, only three #14 wires, or three #12 or two #10 single wires will be allowed in this size circuit, nor will more than four #14 or four #12 single wires or more than two #14 or #12 Duplex wires be allowed in three-fourths inch conduit and all conduits must be of the size to permit the easy insertion and withdrawal of all wires and the use of any compounds or lubricants other than soapstone is prohibited; provided, that all wires for electric bells shall have waterproof or damp proof insulation; provided, that in bath rooms and kitchens and also wherever there is a cement or tile floor, cord drops are to consist of reinforced lamp cord and porcelain sockets and all metal lighting fixtures are to be wired with #14 wire and to have porcelain sockets. At least one flush receptacle "Edison Screw Base" shall be placed in each dressing room of each theatre, opera house or public hall; provided, where wiring installation is of knob and tube system, all outlets shall be provided with metal conduit outlet boxes with fixture studs, the boxes to be fireproof with only such openings necessary for the placing of flexible conduit from last knob to the box. These boxes must be supported with four bolts to a header which must be secured to the ceiling joist so that there will be no strain on the ceiling. (Id., Sec. 21.)

Sec. 192. Permits Necessary for Electrical Work, Etc.; Restrictions Upon City Electrician as to Issuance of Permits; Exemptions—That no person, firm or corporation, or officer, or receiver or employee of such corporation, shall do or cause or permit to be done any interior or exterior wiring, or any construction, installation or alteration of any electrical wiring, work, apparatus or fixtures within the City of Houston, without first having obtained a permit for the particular work from the City Electrician of said City; provided, that the said City Electrician shall not issue a permit for any such work to any person, firm or corporation who has not been regularly licensed as a Master Electrician or Contracting Electrician to do electric wiring, and the construction, installation and alteration of electric wiring, work, apparatus and fixtures, by the Board of Examiners for electricians elsewhere provided for in this chapter; provided, that repair work may be done only by a duly licensed Master Electrician or a duly licensed Contracting Electrician without a permit, but such repairs must be reported in writing, on blanks provided by the city, to the City Electrician for inspection, but without charge for such inspection; provided, that in establishments or buildings having permanently in its employ a man of such mechanical and electrical knowledge and experience as to be able to make electrical installations for light, heat and power, may have such employee take the examination hereinafter provided and if the applicant shall prove to the Board of Examiners his ability to properly install such work, a license shall be granted him to do electrical repair work only in the establishment or building in which he is employed by complying with the conditions elsewhere provided in this chapter; provided, that requirements as to license shall not apply to telephone and telegraph, lighting and power companies or street railways. (Id., Sec. 10.)

Sec. 193. Applications for Permits; City Electrician to Issue Permit, When; Work Not to Be Done Without Permit; Wiring, Etc., Not to Be Concealed Until; Corrections; Permit Necessary to Turn on Current; Temporary Permit—That every person, firm or corporation or company desiring to install wires or other apparatus for the use of electric current for illumination, decoration, power or heating or any alteration or addition to any electric wiring, work, apparatus or fixtures, shall, before commencing or beginning any work in connection therewith, file an application for a permit therefor in the office of the City Electrician, which application shall

describe in detail the material and apparatus that it is desired to use, giving a full description of same and setting out the locality where it is to be employed or installed, giving street and number, and in case there is no number, such other description as will fully locate place of said installation; provided, that such application shall be passed upon by the City Electrician, and if found proper and the applicant is fully qualified under this article, a signed permit for said work shall be given by said City Electrician; provided, that no work shall be done until said permit has been granted, and provided further, that no electrical wiring shall be concealed from view until inspected by the City Electrician or his inspectors, and accepted by him as in substantial compliance with the ordinances, regulations and rules governing same; provided, that such person, firm or corporation doing such work shall give at least thirty-six (36) hours' notice for inspection, and provided further, that said person, firm or corporation shall be given due notice in writing of any correction or change deemed necessary by the City Electrician, or his inspector, and that such notice be returned to the City Inspection Department with correction or change endorsed thereon by such Master Electrician, firm or corporation as may be doing said work, and provided further, that before any electrical current shall be turned on or used in any electrical wiring, a permit therefor shall be issued to the firm, person or corporation furnishing said current, nor until a certificate of inspection has been issued by the City Electrician; provided, that said City Electrician may issue a temporary permit for the use of electrical current during course of construction of, or alteration of buildings, which permit shall expire when the electrical apparatus for said building is properly installed. (Id., Sec. 19.)

Sec. 194. Inspections by City Electricians, Etc.; Authority of; Notice; Penalty—That the City Electrician, or his inspectors, is hereby authorized and empowered to inspect all apparatus and wires used in conducting electric current for light, heat, power, telephone, telegraph or signal, and shall have the right to enter upon and inspect premises at any time within reasonable hours and when said conductors or apparatus are found unsafe for life or property, he shall then notify the persons, firm or corporation owning or using them that same are unsafe and shall order same to be placed in a safe and secure condition within forty-eight (48) hours, and any person, firm or corporation failing to comply with said notice within said time, shall be held guilty of a misdemeanor and,

upon conviction thereof in the Corporation Court, shall be fined not less than Ten Dollars (\$10.00) nor more than Fifty Dollars (\$50.00); provided, that every day that shall elapse before said defects are corrected shall constitute a separate offense; provided, further, that in any case of failure to comply with this article the City Electrician shall have authority, after due notice, to cut out lights, service or current in any locality concerned and enforce discontinuance of the same until said requirements are complied with. (Id., Sec. 20.)

Sec. 195. Fees for Inspection, Etc.—That for the inspections by the City Electrician provided for in the ordinances, he shall collect inspection fees, as follows:

For inspection of electric wiring for lights, fans and heating devices where A. C. or D. C. service is required in either concealed conduit or open work, 25c per outlet for the first 10; 15c per outlet for the second 10; 10c per outlet for 20 or more.

For illuminating signs, for 20 or less lights, the charge shall be \$1.00; and 5c for each additional light over 20 and up to and including 100 lights, and 2½c per light for all lights exceeding 100.

For motors of ½ H. P. or over, there shall be a charge of \$1.00 per motor; for motors where used on regular lighting system, of under ½ H. P., shall be included as one of the outlets of the regular lighting system.

For every service connection for light, heat or power, for a cut-over or transfer of meter, 50c.

For inspecting temporary installations for show windows, exhibitions, conventions and the like, \$1.00 per hour or fraction thereof.

For inspecting poles, anchors and guy-stubs, 25c each.

For any new inspection for any of the above named installations there shall be a charge of one-half of the original inspection fee, provided that no inspection as called for above shall be made for less than \$1.00.

Before permits are issued, the contractor making application shall ascertain and make clear in his application, the total number of all outlets and the entire fee shall be paid for each outlet before the permit shall be issued.

That whenever any customer of the Light and Power Company shall make application to the Public Service Commissioner for a test of his meter or a test to determine the voltage, as is provided for in the ordinance creating the office of Public Service Commissioner, and the City Electrician makes the

test provided for in said ordinance, or is present when such test is made, he shall be entitled to collect the sums provided for in said ordinance as fees of his office, and in case the meter should meet the requirements of the ordinance, or the voltage is sufficient and adequate according to the terms of the ordinance, then he shall collect the deposit from the Public Service Commissioner in payment of his fee, but should such meter not meet the test, or such voltage be inadequate and insufficient, then he shall collect from the Light & Power Company for the test of said meter the sum of \$1.50, and for the voltage test, the sum of \$1.00, which said fee, when collected by him, shall be remitted to the Assessor and Collector of Taxes, as in other cases. (Id., Sec. 24.)

Sec. 196. Board of Examiners of Electricians; Composition and Appointment; Power; Licenses—That there shall be created and established a Board of Examiners of Electricians consisting of the City Engineer of said city, who shall be chairman of said board; the City Electrician of said city, two master electricians of at least four (4) years' experience, residing in said city, and one electrical engineer; provided, that the master electrician and electrical engineer, as members of the board, shall be appointed by the Mayor and confirmed by the City Council on the first Monday in April next, and on the first Monday in April each succeeding year thereafter, and a majority of said board shall constitute a quorum and be authorized to grant or refuse licenses as hereinafter provided; and it shall make such rules and regulations not inconsistent with the Charter and ordinances of the City of Houston as it may deem meet and proper for the transaction of its business and the examination of applicants for licenses hereunder; provided, that it shall examine and pass upon the qualifications and fitness of all persons engaged in, or those that may hereafter desire to engage in, the business, hereinbefore specified, either as master electricians or contracting electricians, and it shall not refuse any qualified person, firm or corporation a license on account of prejudice or other cause not pertaining to his qualifications and fitness, nor shall it grant any license to any person, firm or corporation through bias, favoritism or other cause except qualification. (Id., Sec. 11.)

Sec. 197. Prerequisite to Obtaining License; Duties and Powers of Board of Examiners; Licenses—That the following shall be prerequisite to obtaining a license hereunder in addition to such rules and regulations as may be made by said board, viz., that every applicant for a license shall agree, as

a condition of its granting and issuance, to carry on said business or trade in strict accordance with the rules and regulations of the City of Houston in reference to said business or trade, and in accordance with the bond hereinafter provided and to do all work in accordance with the rules and regulations as prescribed in said "National Electric Code," and in the amendments and supplements thereto and in and by the ordinances of the City of Houston; provided, that a master electrician shall be exceeding twenty-one years of age and shall have had at least four (4) years' experience in electrical contracting business or wiring and work and in the construction, installation, repair, alteration, operation and maintenance of electric wiring, work, apparatus and fixtures, and shall stand such examination as to his qualification and fitness as the said board may provide and establish, and a master electrician shall give the bond hereinafter required; provided, that a contracting electrician, whether an individual, firm or corporation, shall make the agreements hereinabove set out and shall give the bond hereinafter required, and shall agree, in addition, to employ a duly licensed master electrician in the superintendence and execution of the work undertaken by it or him; provided, that whenever any person, firm or corporation shall make application for a license to do electrical work, it shall be the duty of the said board to pass upon the ability and responsibility of such applicant as to whether he may be reasonably expected to satisfactorily complete any contracts that he may enter into with the citizens of Houston; provided, that the board shall adopt a uniform application blank which shall contain detailed information as to the applicant's general and technical fitness for license, and shall contain, also, the report of said board in detail, with written record of examination on file in case of complaint or contest by the party having been examined and failed, and it shall be filed with the City Electrician, and he shall, when application is approved by said board, issue certificate to the City Assessor and Collector and license may then issue and not before; provided, that the Board of Examiners for Electricians shall keep a substantially bound book in which shall be kept a register of the names and places of business of all persons, firms or corporations to whom master or contracting electricians' licenses are issued by it, and no license shall be issued for a longer period than one year, but may be renewed from year to year without further examination, upon proper application; provided, that each applicant for a master electrician's license or a contracting electrician's license shall pay to the city the sum of Twenty-five Dollars

(\$25.00) yearly, to be, by said City Electrician, turned into the treasury of the City of Houston through its proper receiving officer; provided, that each master electrician or contracting electrician prior to the issuance of the license herein provided for shall deposit with the City Controller, to be approved by him, a bond in the sum of Twenty-five Hundred Dollars (\$2500.00), with two or more good and sufficient sureties, or with some good surety company, payable to the order of the Mayor of the City of Houston and his successors in office, conditioned for the faithful performance of all work entered upon or contracted to be done, for the strict compliance with all the rules and requirements of the City of Houston and the "National Electric Code," relating to electric wiring, work, apparatus or fixtures, that the licensee will indemnify and save harmless the City of Houston, and conditioned further, that said bond may be sued upon by any person aggrieved or injured by such licensee in the prosecution and completion of such work, and that the same shall not be exhausted until a recovery for the full amount thereof is had, and further, that the said licensee will give a new bond whenever there is a recovery of as much as twenty-five per cent (25%) of the old bond, or whenever the board may require it; provided, that the owner or agent of any establishment or building having a master electrician in its employ, as provided in Section 192, be required to give same bond as heretofore mentioned and pay the same license fee as hereinbefore required, before having permit issued for work on his or his principal's buildings; provided that, however, when the material furnished or work done or service performed shall have been inspected and a written or printed certificate of approval issued by the City Electrician, then the said master electrician or contracting electrician or other holder of said license shall be considered as having fulfilled the requirements of this chapter, and his responsibilities shall cease under the above bond for material furnished and work or service performed. (Id., Sec. 12.)

Sec. 198. Unlawful for Master Electrician, Etc., to Engage in Business; When—That from and after forty days after the passage of these ordinances, it shall be unlawful for any master electrician or contracting electrician to engage in his said business or trade unless he has been duly examined and licensed by the said Board of Examiners for Electricians. (Id., Sec. 13.)

Sec. 199. Unlawful to Transfer License, Etc.—That it shall be unlawful for any person, firm or corporation holding a license hereinunder to transfer the same or allow the use of same, directly or indirectly by any other person, for the purpose of obtaining a permit to do any of the electrical work hereinbefore specified. (Id., Sec. 14.)

Sec. 200. Must Have One "Journeyman" on Job, Unless—That it shall be unlawful for any master electrician or contracting electrician to do, or cause or permit to be done, any electric wiring, and the construction, installation, repair or alteration of electric wiring, work, apparatus and fixtures, without having at least one journeyman electrician on the job; provided, that if the master electrician is working on the job himself, the journeyman is not to be required. (Id., Sec. 15.)

Sec. 201. License Necessary; Except—That it shall be unlawful for any person, firm or corporation to do, or cause, or permit to be done any interior or exterior wiring, repairing or remodeling of any electric wiring in the City of Houston intended to carry a voltage of 25 volts or more, for light, heat and power, unless he be a duly licensed master electrician or some duly licensed contracting electrician or person, firm or corporation meeting all the requirements of this chapter; provided, that a helper may do electric wiring under the direct personal supervision of a journeyman electrician or master electrician; provided, that the journeyman electrician is employed by a duly licensed master electrician or contracting electrician or owner or agent as provided by this chapter; provided, that nothing herein shall excuse the obtaining of a permit. (Id., Sec. 16.)

Sec. 202. License Cancelled; When; Procedure—That any master electrician or contracting electrician who shall fail, neglect or refuse to comply with the said "National Electric Code" in doing electrical wiring or in the construction, installation, repair, alteration or maintenance of electric wiring, work, apparatus or fixtures; or who shall fail to comply with each and all the provisions of this chapter, shall forfeit his or its right to follow such business or trade, and the Board of Examiners shall have the right and it is hereby made its duty to cancel such license, first giving the licensee five (5) days' notice of its intention so to do, if he does not show good cause why it should not be cancelled; provided, that said board in case of such hearing shall have the right to swear

and examine witnesses and to hear their testimony and if, after such hearing, it finds that such licensee is guilty of a violation of said code, or of the ordinances, as charged, or has done any of the things authorizing the forfeiture of his license, it shall enter in its said register of licenses granted, opposite the place where granted, a cancellation of such license; provided, that in the event that such licensee fails to appear and show cause why said license should not be cancelled, then the said board may proceed, in the absence of such licensee, to hear and determine the facts and enter its order; provided, that in addition to the forfeiture of such license, the said licensee shall be subject to the other penalties hereinafter provided. (Id., Sec. 17.)

Sec. 203. Penalty—That any person, firm or corporation, or any agent or employee of such person, firm or corporation, who shall do or cause or permit to be done any interior or exterior wiring or any construction, installation, repair, alteration, operation or maintenance of electric wiring, work, apparatus or fixtures in violation of this chapter, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in the sum of not less than Ten Dollars (\$10.00) nor more than Two Hundred Dollars (\$200.00), in the discretion of the Court; provided, that each day that such work may be allowed to be used and operated by having electric current turned on and in use shall constitute a separate offense; and in case of willful and continued violation of this chapter by any such person, firm or corporation or company, or by any officer, agent or employee of such person, firm or corporation or company, the city shall have the power to revoke and repeal any ordinance under which said person, firm or corporation or company may be acting and to revoke and repeal all permits, privileges and franchises granted to said person, firm, corporation or company, as aforesaid.

Sec. 204. Permit Necessary to Erect, Etc., Poles, Etc.; Application for Permit—It shall be unlawful for any person, firm, corporation or their employees to erect or reset poles, anchors or guy-stubs without first filing application with the City Electrician for permit for said poles, anchors or guy-stubs to be erected. Application for pole setting shall show the location by streets, where the poles, anchors or guy-stubs are to be erected. The height, size and location of all poles, anchors, guy-stubs and wires shall be set according to the direction of the City Electrician, and whenever, in his judgment, it is necessary to remove or change such line or poles

or wires for the purpose of facilitating safety or such other wires and poles, the person, firm or corporation owning said poles, lines or wires shall, upon written notice, reset, change or alter the height and location of such poles herein mentioned. (Id., Sec. 22.)

Sec. 205. Manholes for Underground Systems—The location of all manholes for underground conduit system outlet lateral pipes, etc., shall be directed by the City Electrician and all companies using the streets, alleys and avenues of the City of Houston for underground purposes shall keep on file in the office of the City Electrician a map showing the location and number of ducts of their underground system. (Id., Sec. 23.)

Sec. 206. Deposits—Every contractor doing business in accordance with this chapter shall keep on deposit with the office of the City Electrician the sum of \$25.00 for the purpose of clearing any possible balance due on original permit and prevent delay of service to the owner; a receipt for the balance due will immediately be sent to the contractor with statement of amount still on hand with the City Electrician. (Id., Sec. 25.)

Sec. 207. Cross Wires to Be Five Feet Apart—Whenever it shall become necessary for any electric light or power company to carry its wires across the line of any fire alarm, telegraph, telephone or other electric light or power company, such wires shall be at a distance from the other wires, of not less than five feet. And no wires shall be allowed over the city fire alarm and police telegraph wires, unless special permission is given in writing by the City Electrician. (Code 1904, Art. 107.)

Sec. 208. Wires Only Placed Under Sheds, Etc., by Consent—No wires of telegraph, telephone, electric railways, electric light or power company, shall be allowed under or above sheds, galleries or awnings without the written consent of the City Electrician, if deemed necessary. (Id., Art. 108.)

Sec. 209. Each Electric Light Company to Have Tappers—The City Electrician shall erect in the station of every electric light or power company, at the expense of said company, a suitable tapper, connecting with the fire-alarm system of the city, by which shall be indicated the location of all fires, and in the event of a fire in any district in which any company has wires, said company shall forthwith send a man prepared

to remove the wires, under the direction of the City Electrician or the Chief of the Fire Department. (Id., Art. 115.)

Sec. 210. May Use Property of Another Corporation—In case any person or persons, corporation or association, desire to place along or across any of the streets, alleys or public places of the City of Houston, wires, tubes or cables, and shall, with the application and plat herein provided for, file in the office of the City Secretary the written consent of any telegraph or telephone company doing business in the City of Houston, to the placing of such wires, tubes or cables, upon the poles of said telegraph or telephone company, situated in the streets, alleys or public places named in such application, then the Fire Committee is hereby authorized to grant a permit for such occupancy of the poles of such telegraph or telephone company, with the restrictions, regulations and qualifications as may be prescribed by said committee. (Id., Art. 117.)

Sec. 211. City May Change Mode of Conducting Wires—Nothing contained in this chapter shall be so construed as to in any manner affect the right of the city in the future to prescribe any other mode of conducting wires over or under its thoroughfares. (Id., Art. 119.)

Sec. 212. Shall File Application and Plat—Any person or persons, corporations or associations desiring to place along or across any of the streets, alleys or public places of the City of Houston, wires, tubes or cables, shall file in the office of the City Secretary an application therefor, stating in detail the streets, alleys or public places which said wires, tubes or cables are to occupy, and the manner in which said wires, tubes or cables are to be secured or supported and insulated, together with a plat showing the route of such wires, tubes or cables. (Id., Art. 120.)

Sec. 213. Duty in Case of Broken Wire—Whenever any electric wire shall be broken, or be in unsafe condition, it shall be the duty of said owner of such wire, or the president or manager of the company owning or controlling such wire, to immediately cause the current to be discontinued until such wire is put in safe condition. (Id., Art. 126.)

Sec. 214. Electric Wires, When Improperly Constructed—Whenever the trolley wire, guard wire, guy wire, or any other wire used in any way for the transmission of electricity

shall be poorly or improperly constructed, it shall be the duty of the City Electrician to notify the owner of such wire, or the manager of the company having charge of such wire, to have the same remedied, and it shall be the duty of such manager to put such wire or wires in a safe and proper condition within one day after such notice; and every day that such manager shall fail to have the same remedied, after such notice, shall constitute a separate offense. (Id., Art. 127.)

Sec. 215. Each Company to Maintain at Least One Lineman—It shall be the duty of every electric light company and every electric street railway company to maintain at least one lineman, who can reach, within reasonable length of time, from their office in the City of Houston, their wires, to remedy breaks or poor construction of such wires, and keep their wires at all times in a safe condition. (Id., Art. 128.)

Sec. 216. Every Lineman to Wear a Badge—Every lineman or lampman shall wear a badge in plain sight, indicating his number and the company by whom he is employed, and in case of fire, this badge shall serve as a pass to admit the wearer inside the fire lines. (Id., Art. 116.)

Sec. 217. Insulation—The insulation resistance on all the circuits of all companies shall be maintained at a standard approved by the City Electrician, and every facility for testing circuits shall be accorded said City Electrician, and all material used in construction, repairs or installation of all electrical works in this city, either inside or outside work, must be approved by said City Electrician. (Id., Art. 109.)

Sec. 218. Penalty—Every violation of the provisions of this chapter shall constitute a misdemeanor, and the persons, company or corporation, or any employee, agent, manager or officers thereof guilty of violating any of its provisions, shall, upon conviction thereof where no penalty is specially provided, be fined not less than Ten Dollars (\$10.00) and not more than One Hundred Dollars (\$100.00) for each offense, and every violation of, and each and every day's failure or refusal to comply with, said provisions shall constitute a separate offense, and in case of willful and continued violation of this chapter by any such person, company or corporation, as aforesaid, or their agents, employees, servants or officers, the city shall have the power to revoke and repeal any ordinance under which said person, company or corporation may be acting, and to revoke and repeal all permits, privileges and franchises granted to said persons, company or corporation as aforesaid. (Id., Art. 125.)

CHAPTER XV.

Engineering Department.

- Article 1.—Creation, Officers, Etc.**
2.—Duties, Etc., of Officers, Etc.
3.—Surveys, Subdivisions, Etc.

ARTICLE 1.

CREATION, OFFICERS, ETC.

Sec. 219. Creation, Etc.—That there is created an Engineering Department, which said department shall consist of a City Engineer, a First Assistant City Engineer, a Chief Plumbing Inspector, and such other plumbing inspectors, officers and employees as may be allowed by the Mayor and City Council. (Mar. 11, 1914, Ord. Bk. 4, p.—, Sec. 1.)

Sec. 220. Officers of; Officers to Take Oath of Office—That there are created the offices of City Engineer, First Assistant City Engineer, Chief Plumbing Inspector and such other officers and plumbing inspectors as the Mayor and City Council may from time to time add to the department. That all officers of the Engineering Department, before entering upon the discharge of the duties of their offices, shall take and subscribe to the constitutional oath of office. (Id., Sec. 2.)

Sec. 221. Control, Etc., of—That the Engineering Department and its officers and employees shall be under the charge, control and direction of the Mayor and City Engineer, and the City Engineer shall, at all times, be responsible for the conduct of said department. (Id., Sec. 3.)

Sec. 222. City Engineer; Qualifications; Bond—That the City Engineer shall be an engineer of not less than five (5) years' professional experience, and shall be appointed by the Mayor and confirmed by the City Council, and shall hold said office subject to removal as provided by the Charter; he shall receive such salary as is now or may be fixed by the City Council. Before entering upon the discharge of the duties of his office, he shall execute and deliver to the City of Houston and thereafter whenever requested so to do by the Mayor, a bond in the sum of Five Thousand Dollars (\$5000.00), payable to the said City of Houston, with at least three (3) good and

sufficient sureties or a surety company authorized to do business in Texas, to be approved by the Mayor, conditioned for the faithful performance and discharge of the duties of his office as now or as may hereafter be fixed by the ordinances of the City of Houston or by the Mayor or by the City Council; that said bond shall provide that the conditions thereof are to be performed in Houston, Harris County, Texas, and that in case of recovery thereon, the obligors will pay the expense incurred by or imposed upon the said City of Houston in or about the collection thereof, including a reasonable attorney's fee, and that said bond shall not become void until the whole amount thereof has been exhausted. (Id., Sec. 4.)

Sec. 223. First Assistant City Engineer; Qualifications; Bond—That the First Assistant City Engineer shall be a civil engineer of not less than three years of professional experience, and shall be appointed by the Mayor and shall receive such salary as may be fixed by the City Council. He shall execute and deliver to said City a bond in the sum of Two Thousand Five Hundred Dollars (\$2500.00), of like tenor, terms, effect, provisions and conditions as required of the City Engineer. He shall hold his office subject to removal by the Mayor, as provided by the Charter. (Id., Sec. 10.)

Sec. 224. Chief Plumbing Inspector; Bond—That the Chief Plumbing Inspector shall be appointed by the Mayor, and shall execute and deliver to the said City of Houston a bond in the sum of One Thousand Dollars (\$1000.00), of like tenor, terms, effect, provisions and conditions as required of the City Engineer; that he shall receive such salary as is now or may be fixed by the City Council; that he shall be under the supervision, direction and control of the City Engineer and Mayor, and may be removed by the Mayor at any time, as provided by the Charter. (Id., Sec. 11.)

ARTICLE 2.

DUTIES, ETC., OF OFFICERS, ETC.

Sec. 225. City Engineer; Duties, in Addition to Other Duties—That it shall be the duty of said City Engineer, in addition to other duties now or hereafter imposed upon him by the ordinances or by the Mayor or by the City Council, to perform such civil engineering and surveying necessary in the prosecution of all public work done by the City of Houston or under the direction or supervision of the Mayor and City Council; to make all surveys, inspections and estimates re-

quired by the City Council; to examine all public work done under contract and report thereon to the City Council. (Mar. 11, 1914, Ord. Bk. 4, p.—, Sec. 5.)

Sec. 226. City Engineer; Restrictions Upon Employment, Etc.; Custodian of Maps, Etc.—That said City Engineer shall devote his entire time and energy to the discharge of the duties of his office and shall not do any work for or take any fee or recompense from any individual or corporation other than the City of Houston during his incumbency of the office. He shall be custodian of and responsible for all maps, plans, profiles, field notes and other records and memoranda belonging or pertaining to said office and to the work thereof, all of which he shall keep in proper order and condition with full index thereof, and all of which he shall turn over to his successor. (Id., Sec. 6.)

Sec. 227. City Engineer; May Make Rules, Etc.; How—That the City Engineer may from time to time make, establish and promulgate, with the approval of the Mayor and City Council and Civil Service Commission, such rules and regulations for the control and management of the Engineering Department and the officers and employees thereof not inconsistent with the ordinances, as may be deemed advisable. (Id., Sec. 8.)

Sec. 228. City Engineer; May Suspend, Etc.; When—That the City Engineer may, with the approval of the Mayor and subject to the civil service rules, suspend any officer or employee of the Engineering Department for insubordination or inattention to, or neglect of duty, or violation of the ordinances or the rules and regulations of the Engineering Department, and during the time of such suspension, unless such officer or employee be reinstated without prejudice, he shall not be entitled to the pro rata of his salary. (Id., Sec. 9.)

Sec. 229. Shall Run Levels—The City Engineer shall run a sufficient set of levels on every street, and project said levels on proper paper of uniform scale, with the view of the establishment of the proper grades and drainage of the city. In running the lines of levels as above, the Engineer shall establish bench marks at convenient distances, checking upon the same until they agree. (Code 1904, Art. 181.)

Sec. 230. Engineer to Keep Record—It shall be the duty of the City Engineer to procure for his office and use as property of the city, and at the expense thereof, suitable books,

to be used for the record, and illustrations by suitable drawings of all city work done by him pertaining to grades, streets, sidewalks, sewers, drains, ditches and all public work. Also for recording all private surveys. He shall have full control and custody of, and be responsible for, all property pertaining to the office of City Engineer, and shall receipt for them by inventory and return them to the Mayor, or his successor, on leaving office. (Id., Art. 172.)

Sec. 231. First Assistant City Engineer; Duties of; Restrictions Upon—That the First Assistant City Engineer, during the absence or inability of the City Engineer, or during a vacancy in the office of City Engineer, shall perform and discharge all the duties of City Engineer until the City Engineer returns to duty or the vacancy in the office is filled. He shall, at all times, be under the direction, control and supervision of the City Engineer and Mayor and shall devote his entire time and energy to the discharge of the duties of his office and to the performance and discharge of such other duties as he may be directed to perform by the City Engineer or the Mayor or the City Council, or such as may hereafter be imposed upon him by the ordinances. That the provisions of Sections 226 and 243, respecting the City Engineer, shall apply with equal force to the First Assistant City Engineer. (Id., Sec. 10.)

Sec. 232. Chief Plumbing Inspector; Duties of; Restrictions Upon; Authority; Ex-officio Gas Inspector; Police Authority Plumbing Inspectors—That it shall be the duty of the Chief Plumbing Inspector, in addition to the duties which are now, or which may hereafter be imposed upon him by the ordinances, to see that the construction and maintenance of the plumbing, drainage and sewerage in the City of Houston shall hereafter conform and comply with all the ordinances therefor, and shall make all necessary inspections from time to time. He shall take all such steps as may be necessary to enforce the observance of all ordinances of the city relating to plumbing, sewerage and drainage, and shall, by and with the advice of the City Attorney, institute such prosecutions as may be necessary for that purpose. That he shall, under the supervision, direction and control of the City Engineer and Mayor, have direction, supervision and control of all other plumbing inspectors. That he shall be the representative of the City Engineer for the purpose of doing all things required to be done by the City Engineer in the ordinances relating to

plumbing, sewerage and drainage; that he shall devote his entire time and energy to the duties of his office and shall not engage in the occupation of plumbing, drainage or ventilation of buildings, nor be interested directly or indirectly in the business of any person, firm or corporation engaged in such business during his term of office. That he shall be ex-officio gas inspector; that he shall do and perform such other and further duties as he may be directed to perform by the City Engineer, the Mayor or the City Council.

That any plumbing inspectors, including the Chief, shall have and are hereby given police powers, and shall be permitted at all reasonable hours to enter any and all buildings or places for the purpose of inspecting the plumbing, sewerage and drainage constructed, or in course of construction, repair or alteration, but so far as possible shall make such inspections in the day and shall have power to make arrests where other police officers in the City of Houston are authorized so to do. (Id., Sec. 11.)

Sec. 232a. Other Officers and Employees—That such other officers and employees of the department as shall be allowed by the Mayor and City Council shall be appointed by the Mayor and shall receive such monthly salaries as the Mayor and City Council may allow, and shall perform such duties as may be imposed upon them by the ordinances or as they may be directed to perform by the City Engineer or by the Mayor or by the City Council. (Id., Sec. 11.)

Sec. 232b. Bonds May Be Required of Other Officers, Etc.—That the City Engineer and Mayor may require any officer or employee of the Engineering Department handling, receiving or collecting moneys belonging to the City of Houston, or received by it, on deposit, to execute and deliver to the City of Houston a bond in such sum as they may deem proper, payable to said City of Houston, with at least three (3) good and sufficient sureties or a surety company authorized to do business in Texas, to be approved by the Mayor, of like tenor, terms, effect, provisions and conditions as are provided for in the case of the City Engineer, and a further condition giving the City Engineer the right to maintain suit thereon in the event of a recovery against him on his official bond, or the payment by him of moneys to the city on account of the act of such officer or employee. (Id., Sec. 12.)

ARTICLE 3.

SURVEYS, SUBDIVISIONS, ETC.

Sec. 234. Established Monuments—It shall be the duty of the Civil Engineer to ascertain the established monuments of the city survey, and from thence to extend the surveys of the city, and from thence to locate, establish and survey all private property and streets, when called upon or required so to do. (Code 1904, Art. 170.)

Sec. 235. Original Surveys Recognized—The original plan and survey, known and designated as the A. C. & J. K. Allen survey, as far as marked by actual measurements, and so far as revised, re-established and determined by the surveys of W. H. Griffin, C. E., under and by resolutions of the City Council of the City of Houston, shall be and is hereby affirmed and established as the true city survey of the City of Houston. The theory and survey and plat, as marked on W. E. Woods' map, as to the dimensions of lots and blocks, and widths of streets, is also confirmed in each and every particular. (Id., Art. 171.)

Sec. 236. To Make Surveys—Whenever called upon by any owner, agent or lessee of any property within the city to survey limits or boundaries, said City Engineer shall, as soon as practicable, proceed to make the required survey, measuring from the nearest established monument or initial point. Said City Engineer shall also establish such other monuments or initial points at the intersection of such streets as may be deemed necessary, to remain as permanent monuments for future reference and guidance, and make a full and complete record of the same in the books of his office. Said monuments or initial points so established shall not be altered or disturbed by any person or persons, under a penalty of not less than Fifty Dollars (\$50.00). (Id., Art. 173.)

Sec. 237. City Engineer Shall Fix Property Lines—It shall be the duty of the City Engineer, when any person desiring to construct any improvement shall make application for a permit to make such improvement, to make a correct survey of the property and to fix the lot and block lines of the same, and furnish to such applicant a certificate of such survey, which certificate shall be presented to the Mayor for his approval, and the fee as hereinafter fixed shall be charged for such survey. (Id., Art. 183.)

Sec. 238. No Existing Lines to Be Changed; Except—In no case shall the existing lines be changed or altered, except upon survey by the City Engineer. This and the preceding section intend only to refer to that portion of the lot or block that fronts on the streets or avenues, and the front lines only to be established by the City Engineer. (Id., Art. 184.)

Sec. 239. Map and Profile for Right of Way—No right of way over any of the streets within this city shall be granted to any railway company unless a map and profile of the grades along the streets named shall accompany the application and ordinance; and it shall be the duty of the City Engineer to inspect any and all such maps and profiles, and report the result of his investigation as soon thereafter as possible to the City Council, and no right of way shall be granted until such examination shall be made and reported upon, in order to better protect the rights of property owners along the several streets; provided, that there shall be no costs attached to the city. (Id., Art. 185.)

Sec. 240. No Tracks Shall Be Laid Without Permit—No steam railway or street railway company shall lay down additional tracks within the limits of the city without a special permit from the City Council being first had and obtained. It shall be the duty of the City Engineer to examine and report on such application as to the advisability of granting said special permit. (Id., Art. 186.)

Sec. 241. City Engineer to Report Improvement to Assessor and Collector—Upon the granting of a permit, the City Engineer shall immediately furnish the City Assessor and Collector an abstract thereof, showing the location (giving lot and block) of the improvement, and the estimated cost. (Id., Art. 187.)

Sec. 242. Penalty for Improvement Without Permit—Any person, firm, corporation, trustee or receiver, who shall make, or cause to be made, any such improvement, building, alteration or repairing mentioned in preceding section, without having obtained such permit, shall, on conviction, be fined in a sum not less than Twenty-five (\$25.00) Dollars nor more than One Hundred Dollars (\$100.00). (Id., Art. 188.)

Sec. 243. Maps, Etc.; Property of City—That all maps, plans, profiles, field notes, estimates and other memoranda of surveys and other professional work made or done by the City Engineer, or under his direction or control, during his incum-

bency of the office, shall be the property of the City of Houston. (Id., Sec. 7.)

Sec. 244. Fees of City Engineer—The City Engineer is hereby authorized to charge for all work performed for private parties as follows, viz: For survey of one lot, five dollars; for survey of two lots adjoining each other, six dollars; for survey of all lots over five, one dollar and twenty-five cents additional; for survey of an entire block, with subdivisions, when owned by one person, seven dollars and fifty cents, which fees shall belong to the City of Houston. (Id., Art. 178.)

Sec. 245. Fees to Be Paid to the City Assessor and Collector—The fees provided for in Section 244 shall be paid to the City Assessor and Collector in advance, by the person, company or corporation desiring the survey, and said City Assessor and Collector shall thereupon issue to said person, firm or corporation a receipt therefor, showing therein the lot or lots, block or blocks, for which survey fees have been paid. Upon notice from the Assessor and Collector to the City Engineer that the fees have been paid, he shall proceed to make said survey and issue a survey certificate as soon as practicable thereafter, and thereupon the applicant shall surrender to the City Engineer the receipt for fees issued by the Assessor and Collector. (Id., Art. 179.)

Sec. 246. Blank Forms—Blank forms will be prepared by the City Controller for the use of the City Engineer and City Assessor and Collector, with which to comply with the provisions of this chapter. (Id., Art. 180.)

Sec. 247. Subdivision of Property—All property not subdivided into lots, blocks and streets within the City of Houston shall hereafter be laid out under the direction of the City Council, or subject to its approval, and no other subdivisions will be recognized by the city. (Id., Art. 174.)

Sec. 248. Regulating the Laying Out, Subdividing and Platting of Land Into Lots, Blocks and Streets, Within the City of Houston—It shall be unlawful for any owner, or the agent for any owner, to lay out, subdivide, or plat any land into lots, blocks and streets, within the City of Houston, Harris County, Texas, or to sell property therein and thereby, which has not been laid off, subdivided and platted to conform to the lots, blocks and streets abutting the same, and which plat and subdivision has not been approved by the City Engineer of the City of Houston, and the dedication of the

streets therein contained, accepted by the City Council of the City of Houston, and a correct map of the same filed in the office of the City Engineer of the City of Houston. (Id., Art. 175.)

Sec. 249. Restricting the Officers or Employees of City—It shall be unlawful for any officer or employee of the City of Houston to do, or cause to be done, any work upon any street, in any addition or subdivision to said City of Houston, laid off, platted, or subdivided since the passage of this and the preceding section, unless all the requirements have been complied with by the owner of said addition or subdivision. (Id., Art. 176.)

Sec. 250. Penalty—Any person, firm, corporation, trustee or receiver violating any provision of the next preceding three sections shall, upon conviction, be fined in any sum not less than twenty-five dollars, nor more than two hundred dollars, and each week's failure to obtain the approval of the City Engineer of said subdivision or plat, and the acceptance of the dedication of the streets therein by the City Council of the City of Houston, shall constitute a separate offense. (Id., Art. —.)

CHAPTER XVI.

Explosives, Inflammables, Etc.

Article 1.—Nitro Cellulose Films.

- 2.—Gasoline and Other Volatile, Inflammable Liquids.
- 3.—Calcium Carbide.
- 4.—Oil.
- 5.—Miscellaneous.

ARTICLE 1.

NITRO CELLULOSE FILMS.

Sec. 251. Film Exchanges Must Comply With Requirements of Ordinance—That it shall be unlawful for any person, firm or corporation to own or operate a motion picture film exchange in the City of Houston and handling or storing in connection therewith any nitro cellulose films, unless such persons, firms or corporation shall strictly comply with all the requirements of this article. (Nov. 19, 1913; Ord. Bk. 3, p. 530, Sec. 1.)

Sec. 252. Storage—(a) Each reel of film shall be kept in a separate metal box with tight fitting cover, except when the same is being repaired, and immediately after the conclusion of such examination or repair shall be replaced in said metal box.

(b) Each reel of film kept by the owners of said exchange for purposes of storage, sale or exchange shall be stored in standard fireproof vaults, or in standard fireproof safes, as hereinafter described. (Id., Sec. 2.)

Sec. 253. Vaults in Buildings of Non-Fireproof Construction—Vaults for the storage of nitro cellulose films in buildings of non-fireproof construction shall have self-supporting brick walls, not less than twelve inches in thickness, laid in cement and extending upwards from the ground. The top of each vault so constructed shall be water-proof and shall be made of brick or concrete arches of the same thickness as the walls thereof; provided, that arches may be sprung between steel beams if the latter have standard protecting covers and no wood top flooring is used; the size of said vaults shall not

exceed 750 cubic feet. All openings into said vaults shall be protected on the outer side of the walls with standard vault iron doors at least three-sixteenths ($3/16$ -in.) of an inch thick and made smoke-proof by closing against a rabbet at top and bottom and one side, the hinge side door to close into a groove; the doors and wall frames to be of equivalent construction of standard iron fire door, vault pattern; and on the inner side of the wall shall be protected by an iron door of at least No. 14 U. S. gauge. The fixtures inside said vaults shall be of incombustible material. No lights other than stationary vapor proof incandescent electric lamps properly guarded shall be installed inside, and the switch shall be outside of said vault and provided with a pilot light or other indicator. No heat shall be permitted in said vault.

(b) **Vaults in Fireproof Buildings**—In fireproof buildings having standard protection on the steel or other fireproof frame work vaults may be carried on the structure from floor to floor. The walls of vaults constructed in fireproof buildings shall be of brick not less than eight (8) inches in thickness, or of hollow tile not less than twelve (12) inches in thickness laid in cement. The size of said vaults shall not exceed 750 cubic feet. The tops and bottoms of said vaults shall be water-proof and made of brick, tile or concrete at least eight (8) inches in thickness, and in all other respects shall comply with specifications for vaults in buildings of non-fireproof construction. (Id., Sec. 3.)

Sec. 254. Safes—In case the persons, firms or corporations owning or operating motion picture film exchanges and handling or storing nitro cellulose films in connection therewith shall prefer to store the same in safes instead of the vaults hereinbefore provided for, said safes shall comply with the following specifications:

The capacity thereof shall not exceed 150 cubic feet; said safes shall have an angle iron frame continuous at all edges; said angle iron to be at least one-quarter by two ($1/4 \times 2$) inches and for large sized safes increased proportionately. On safes larger than forty (40) inches high and thirty (30) inches wide and thirty (30) inches deep, an additional stiffening of heavy steel at least $1/4$ -inch thick and of width proportioned to size, but never less than two inches shall be used at top, bottom and sides thereof. All sheet steel plates on said safes shall be not less than No. 12 U. S. gauge for the outer shell and not less than No. 14 U. S. gauge for the inner shell. The filling shall be of cement concrete not less than five and one-half

inches thick, except that the doors may have four inches of concrete and a two-inch sealed air space; which space may be used for lock and bolts. The doors shall have stepped sides so as to be smoke-proof. No cast iron to be used in the construction of the safe, except such parts as casters, hinges and flanged door frames. (Id., Sec. 4.)

Sec. 255. Ventilation of Vaults and Safes—All vaults and safes used for the storage of nitro cellulose films shall be ventilated with outside air by an opening having a sectional area of at least fifty square inches; provided, that if the size of said vault or safe is less than 150 cubic feet said vent may have a sectional area of 12 square inches. The vent pipes shall be all metal, not less than No. 18 U. S. gauge in thickness, and shall be so arranged as not to expose other property; whether the same be an adjoining building or fixtures used in connection with said exchange or the building in which such exchange is located, and the same shall be shielded from the weather and provided with a wire screen of not larger than one-fourth inch mesh. (Id., Sec. 5.)

Sec. 256. Examining and Repairing—(a) The examination and repair of all nitro cellulose films kept or owned in motion picture film exchanges for purposes of storage, sale or exchange shall be done only in a room having outside ventilation and separated from the balance of the building in which it is contained by tight partitions of incombustible material, with doors at openings; said partitions and doors to contain no glass other than wired glass.

(b) No room used for the examination or repair of said nitro cellulose films shall be used for the handling or storage of any other combustible material.

(c) The number of films under examination or repair in a room used therefor shall at no time exceed ten, and all of said films not actually being examined or repaired shall remain or be kept in the metal boxes hereinbefore provided for.

(d) Reels containing films under examination, or in process of rewinding, shall be inclosed in magazines similar to those required on motion picture machines. (Id., Sec. 6.)

Sec. 257. Waste Cans—Standard metal waste cans shall be provided in all rooms where repairing of films is done, the number thereof to be in accordance with the number of employees doing said repair work in each room of said exchange. All scrap or waste from the films under repair shall be kept in said cans and removed from the building daily to a safe

location or destroyed, at the option of the owner of said exchange, and all such waste shall be kept separate from paper waste and other rubbish, so that said cans shall be used exclusively for receiving any scraps or waste from said repairs aforesaid. (Id., Sec. 7.)

Sec. 258. Cement—No compound of collodion and amylacetate or similarly inflammable cements used in the repair of said films shall be kept or stored in the room or rooms in which said repair work is done in larger quantities than one quart; provided, that if larger quantities of said compound of collodion and amylacetate or similar cement shall be desired to be kept in said exchange then the same shall be stored in metal cans in the vaults or safes hereinbefore provided for. (Id., Sec. 8.)

Sec. 259. Lighting—No lights other than stationary vapor proof incandescent electric lamps, properly guarded, shall be installed in any room in said exchanges used for the purpose of examination or repair of nitro cellulose films, and the installation of said lights shall be governed by the ordinances of this city. (Id., Sec. 9.)

Sec. 260. Heating—No room in any motion picture film exchange used for the purpose of examination or repair of nitro cellulose films shall be heated, except by hot air, hot water or steam, and metal shields or screens shall be provided to prevent said films from coming in contact with radiators or heated pipes, and no hot air floor registers to be used. (Id., Sec. 10.)

Sec. 261. Smoking—It shall be unlawful for any person to smoke in any room containing films, and signs shall be posted in any room so used calling attention to this section. (Id., Sec. 11.)

Sec. 262. Fire Protection—Each room in any motion picture film exchange, used for the purpose of examination or repair of nitro cellulose films or in which is a vault or safe for the storage thereof, shall be equipped with at least two three-gallon hand fire extinguishers, which shall be approved by the Fire Marshal, and each vault used for the storing of said films shall be provided with at least one pail of water and one pail of sand conveniently kept for use in case of fire. (Id., Sec. 12.)

Sec. 263. Penalty—Any person, firm or corporation who shall violate any of the provisions of this article or who shall, after thirty days' notice in writing by the Fire Marshal, fail to provide the vaults or safes herein provided for, shall be

deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than Five nor more than One Hundred Dollars. (Id., Sec. 13.)

Sec. 264. Failure to Comply With, a Nuisance—And in the event the person, firm or corporation owning and operating a motion picture film exchange which does not comply with this article, shall fail or refuse after thirty days' notice in writing by the Fire Marshal so to do, said exchange shall be declared a nuisance by the Fire Marshal, and proper steps shall be taken to abate the same as a nuisance, which penalty shall be cumulative of and in addition to the fine provided for in this article. (Id., Sec. 14.)

ARTICLE 2.

GASOLINE AND OTHER VOLATILE, INFLAMMABLE LIQUIDS.

Sec. 265. Unlawful to Store Gasoline, Etc.—It shall not be lawful for any person, firm or corporation to keep, store or handle gasoline, or other volatile, inflammable liquids, except upon compliance by the said person, firm or corporation with the following provisions of this article. (May 15, 1911; Ord. Bk. 3, p. 31, Sec. 1.)

Sec. 266. Tanks, How Constructed, Etc.—All tanks shall be installed outside of the building under ground and not less than two (2) feet long below the surface, entirely surrounded by earth well tamped in place, and the top of the tank must be below the level of the lowest pipe line in the building used in connection with the equipment. (b) If impracticable to locate storage tanks outside of the building they may be buried three (3) feet below the level of the basement floor imbedded in the earth, and covered by at least three (3) feet of earth and concrete. (c) All tanks of 560 gallons or under shall be made of at least twelve (12) gauge galvanized steel or at least $\frac{1}{4}$ -inch black open hearth tank steel. All tanks exceeding 560 gallons capacity shall be made of $\frac{3}{16}$ -inch galvanized steel or $\frac{1}{4}$ -inch black open hearth tank steel. All tanks made of galvanized steel must be carefully riveted and soldered, and coated on the outside with tar or other rust-resisting materials. All tanks made of black steel must be carefully riveted and caulked, and coated on the outside with tar or other rust-resisting materials.

No tanks shall have openings or pipe connections except on the top thereof and shall be properly vented and shall not be

connected either directly or indirectly with any public or private sewer, drain, catch-basin or pit. (d) Filler pipes must be made of galvanized iron pipe, two inches or more in diameter, entering at the top of the tank and extending to the bottom of the same. The upper end of said filler pipe must terminate in a screw cap securely locked. Where tanks are located under the building the filler pipe must run to the outside of the building and terminate in a screw cap; same to be securely locked. Where filler pipe runs to the sidewalk or to an alley or public way, it must terminate in a screw cap securely locked and protected by a cast iron filler box, the same to be flush with the sidewalk or alley. The cover of the said filler box to be securely locked. (e) Tanks located in or within ten (10) feet of any building shall be provided with a 1-inch diameter, or larger, galvanized iron vent pipe, same to be connected to the top of such tank. Connection at the tank to be provided with a brass wire screen of at least 30 mesh. The vent pipe must be carried up to at least four feet above the roof of said building, and terminate in a double gooseneck spark protector, both openings of which must be covered with a brass wire screen of at least 30 mesh. (f) Pipe connecting the tank with the pump must be of galvanized iron and must enter top of tank. Said pipe must be buried at least 18 inches below the surface and any exposed portions thereof must be thoroughly and properly protected. This connection pipe must not be lower at any point than where same leaves tank. (Id., Sec. 2.)

Sec. 267. How Drawn From Tank—All gasoline must be drawn from tank by means of an improved suction pump or pumps, which shall have a shut-off valve with ground key on the nozzle, and an automatic check valve between the pump and the nozzle. In no case shall there be a return of waste pipe to the tank. (Id., Sec. 3.)

Sec. 268. How Pumped Inside Building—Where gasoline is pumped inside the building, lighting shall be done by incandescent electric lights, with all electric switches and cut-offs permanently located at least four inches above the floor. (Id., Sec. 4.)

Sec. 269. How Stored; Pumps—(a) No gasoline or other volatile, inflammable liquids shall be kept in any building except when stored or handled in self-closing safety containers or in portable filling tanks. (b) When self-closing safety containers are used for the storing or handling of gasoline, or

other volatile, inflammable liquids, not more than five (5) gallons of other volatile, inflammable liquids shall be kept in any building, and the self-closing containers must be made of metal and must be of approved construction, and must be of capacity not to exceed five (5) gallons.

(c) When filling tanks are used for the storing or handling of gasoline or other volatile, inflammable liquids the containers must be of capacity not to exceed fifty (50) gallons, and must be of at least 3/16-inch tank steel, and must be of approved construction. The said portable tanks shall be supported on all-steel wheels, not less than 30 inches in diameter, the same being equipped with rubber tires, and the tank must be provided with an approved all-metal suction pump. This pump to be provided with a hose attachment, and the hose must not exceed eight (8) feet in length. The pump must be equipped with an improved ground key shut-off cock where hose is attached to pump, also with improved ground key shut-off cock at end of hose. Pump must be equipped with a convenient lock, and the same must be locked when not in use. (Id., Sec. 5.)

Sec. 270. Sand Shall Be Kept, Etc.—There shall be constantly kept and maintained convenient receptacles filled with sand to be used in absorbing waste oil on the floor. In addition to this, sand shall be kept in boxes provided with hand-scoop to be used for fire extinguishing purposes only. (Id., Sec. 6.)

Sec. 271. Unlawful to Smoke in Room, Etc.—It shall be unlawful for any person to smoke in any room in which gasoline or other volatile, inflammable liquids are kept, and for the manager or other person in charge of any building in which gasoline or other volatile, inflammable liquids are kept to allow smoking therein. (Id., Sec. 7.)

Sec. 272. Penalty—Any person, firm or corporation who shall violate any of the provisions of this article shall be deemed guilty of a misdemeanor, and upon conviction thereof in the Corporation Court shall be fined not less than Five Dollars (\$5.00) nor more than Two Hundred Dollars (\$200.00). (Id., Sec. 8.)

ARTICLE 3.

CALCIUM CARBIDE.

Sec. 273. Unlawful to Store Calcium Carbide, Etc.—That it shall be unlawful for any person, firm or corporation to

keep or store calcium carbide within the City of Houston, unless the following conditions are complied with: Calcium carbide shall be confined in a can or drum made of metal, the seams of which must be lochedinted, air and water-tight, without the use of solder. Such container must be provided with a screw top, or its equivalent, made of sufficient strength to insure handling without rupture, and must be kept free from moisture and conspicuously marked "Calcium Carbide—keep dry." (Nov. 7, 1910; Ord. Bk. 3, p. 14, Sec. 1.)

Sec. 274. Method, Manner and Place of Storage—All such packages of calcium carbide, of whatever capacity, when stored in quantities of not exceeding 100 pounds, shall be supported upon blocks or legs, or placed or piled upon racks of sufficient strength to support the same, and so constructed as to elevate and sustain said packages at least six inches above the floor of the building. When calcium carbide is kept or stored in the City of Houston, it must be in a building used exclusively for that purpose, and the floor of said building upon which the calcium carbide rests shall be at least six inches above the actual level of the street upon which, nor near which, said building is located. Provided, that calcium carbide shall never be stored in any public or private warehouse or in any building where other materials or things are stored. (Id., Sec. 2.)

Sec. 275. Buildings Fireproof, Etc.—All buildings used for the storage of calcium carbide shall be fireproof, well ventilated and without artificial light or heat, and shall be kept thoroughly dry, and shall be detached from any other building and at least fifty feet from any other building. (Id., Sec. 3.)

Sec. 276. Buildings for Storage to Be Marked—All buildings used for the storage of calcium carbide, pursuant to the provisions of this article, shall be conspicuously marked with the words "Calcium Carbide," on all four sides, so that the Fire Department may avoid throwing water thereon. (Id., Sec. 4.)

Sec. 277. Penalty—Any person who violates any of the provisions of this article shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than Ten Dollars (\$10.00) nor more than Two Hundred Dollars (\$200.00). (Id., Sec. 6.)

ARTICLE 4.

OIL.

Sec. 278. Dimensions for Storage Tanks—Tanks for storage of fuel oil in the City of Houston shall be constructed of three-sixteenths ($3/16$) inch or heavier galvanized iron or black steel, or may be built of brick, cemented and lined with paraffine, but in either case shall be under ground and shall have manhole, with cover, same being vapor proof. (Code 1904, Art. 900.)

Sec. 280. Tanks Not to Be Filled Over 98 Per Cent of Capacity—No tank shall be filled in excess of ninety-eight (98) per cent of its total capacity, two (2) per cent being allowed for the expansion of oil. Filling pipe to be perfectly sealed, except when used in filling, and such tank shall have a gas-tight manhead on top; overflow pipe from pump, standpipe or accumulator to storage tank to have a capacity one and one-half times the inside diameter of oil pump suction pipe. (Id., Art. 901.)

Sec. 281. Tanks Shall Have Indicators, Etc.—An indicator shall be attached to each such tank, and shall be of two (2) inch pipe screwed into flange riveted on manhead and extending down inside tank to a point two (2) inches from the bottom. Gauge pole to stand inside this pipe. The suction to pump shall be at least four (4) inches above bottom of tank. A two-inch vent pipe, covered at top with copper gauze, shall extend ten (10) feet above tank; if tank is within fifty (50) feet of a building, the vent pipe shall extend at least six (6) feet above roof of such exposure. In this case, vent pipe may be laid underground from tank to building, and run up wall outside. A free steam pipe not less than one (1) inch in diameter shall connect boilers with top of storage tank, to permit at all times filling space above the oil with steam, in case of fire in tank or in exposing property. If the tank is wholly or in part above ground, it shall be located at least one hundred (100) feet from any building or other exposure. Such tank shall be placed in such position that its contents, if released from any cause, will not flow towards any building or other combustible property, and should be enclosed in a substantial brick vault and earth embankment, forming a reservoir of sufficient capacity to hold double the contents of tank. Indicating or gauging of storage tanks in a manner that requires the

removing of manhole cover, or the inserting of gauge poles, is prohibited. (Id., Art. 902.)

Sec. 282. Must Have Syphon Pump—A syphon should be arranged in connection with every such tank, to carry off seepage or leakage in reservoir, and discharge same outside, where its burning shall not endanger property. (Id., Art. 903.)

Sec. 283. If Tank is Underground, How Located—If any such tank is wholly underground it shall be located not less than three (3) feet from the foundation of any building in which crude oil is to be burned, and the top of the tank shall be buried at least two (2) feet below the established grade of the ground. In every case the tank shall be so placed that the highest point in the oil supply shall be at least two (2) feet lower than the furnace where the oil is to be burned, or converted for burning.

That the oil tanks will be allowed outside of the buildings or under the sidewalks. (Amendment Art. 904, May 13, 1913; Ord. Bk. 3, p. 340, Sec. 1.)

Sec. 284. Oil, How Conveyed—Conveying of oil from any such tank to furnace shall be by artificial pressure or suction, whether by pump, vacuum or other means that will accomplish the purpose. Feeding oil by gravity pressure or by other means from a storage supply higher than the furnace is hereby prohibited; provided, that oil may be fed to burners at furnace under a maximum pressure of ten (10) pounds to the square inch from an iron standpipe having a maximum capacity of ten (10) gallons, located outside of all buildings, and supplied from storage tank by pump while oil is being conveyed to furnace. If pump is used for pumping oil to burners, there must be a governor to regulate the pressure automatically, and if pumping into standpipe, there must be attached a float for regulating the height of oil (standpipe meaning tank of which the top is open, not holding pressure). (Code 1904, Art. 905.)

Sec. 285. Standpipes; How Anchored—The standpipe of each tank shall be securely anchored to foundation, and shall have an overflow pipe (with capacity one and one-half times the inside diameter of oil pump suction pipe) to storage tank, and shut-off cock where supply pipe leaves standpipe for burners. (Id., Art. 906.)

Sec. 286. Oil May Be Fed to Burners from Iron Accumulator—Provided, further, that oil may be fed to burners at furnace from an iron accumulator or air chamber, having a

maximum capacity of ten (10) gallons, located outside all buildings and supplied from storage tank by pump while oil is being conveyed to furnace. The accumulator shall be securely anchored to foundation, and shall have a relief valve and overflow pipe (with capacity one and one-half times the inside diameter of oil pump suction pipe) to storage tank, and shut-off cock where supply pipe leaves accumulator for burners. (Id., Art. 907.)

Sec. 287. Regulations Governing the Storage of Crude and Manufactured Fuel Oil, and the Erection and Location of Oil Storage Tanks in the City of Houston—As it will be necessary to have large storage tanks in the city limits to supply oil, such storage tanks shall be placed underground and covered with earth. But if such storage tanks be placed above ground, or partly above ground, they shall be located at least two hundred and fifty (250) feet from any combustible property, and securely walled in by a brick wall and earth embankment, forming a reservoir of sufficient capacity to hold double the contents of tank, and a syphon shall be arranged to carry off any seepage or leakage in reservoir, and discharge same outside, where its burning would not endanger property; but no storage tank shall be of greater capacity than ten thousand (10,000) barrels, of forty-two (42) gallons to the barrel, and no two of such tanks shall be built or used within two thousand feet of each other. And those tanks shall be made of material and design that will withstand five times the pressure caused by a head of oil equal to the height of the tank. (Id., Art. 908.)

Sec. 288. Permits for Overground Tanks—No permit shall be granted for any overground tank within 250 feet of the bank of either Buffalo Bayou or White Oak Bayou. (Id., Art. 909.)

Sec. 289. Persons Desiring to Use Fuel Oil Must Procure Permit—Every person or corporation desiring to use either crude or manufactured fuel oil shall procure a permit from the City Engineer before putting in or installing his or its plant, and it shall be the duty of the Chief of the Fire Department to see that the plant complies with all of the above regulations before being used. (Id., Art. 910.)

Sec. 290. Penalty—Any person, firm, corporation, trustee or receiver who shall construct or maintain any tank or other structure not in compliance with Sections 278 to 289, or who shall keep fuel oil in the same, or who shall keep any

fuel oil tanks, or like receptacles, for the purpose of using, holding or selling same, or otherwise violating any provisions of said sections, shall be fined in any sum not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00), and an additional fine of Five Dollars (\$5.00) shall be assessed against the owner, proprietor or manager of any oil tank for every day such tank or structure, not constructed, maintained or used in accordance with the above, shall remain in use. (Id., Art. 911.)

Sec. 291. Wagons Must Have Buckets to Catch Drippings from Tanks—Every wagon or vehicle selling or delivering kerosene, refined or crude oil from tanks shall provide a bucket or other receptacle to catch the drippings from said tanks. (Id., Art. 291.)

Sec. 292. Penalty for Dripping Oil on Asphalt Streets—Every owner or driver, or employee of such owner or driver, who shall drive or have driven a wagon or other vehicle with tank for selling or delivering kerosene, refined or crude oil within the limits of the City of Houston, without having attached thereto a bucket or other receptacle in such position that it catches all the drippings of oil from said tanks, or who shall negligently spill any oil on the streets of Houston that are or may be paved with asphalt, shall be fined not less than Five Dollars (\$5.00) nor more than Twenty-five Dollars (\$25.00). (Id., Art. 292.)

ARTICLE 5.

MISCELLANEOUS.

Sec. 293. Gunpowder May Be Kept—It shall be unlawful for any person to keep in any store, dwelling, building or other place within the City of Houston, gunpowder exceeding in quantity twenty-five pounds. (Code 1904, Art. 323.)

Sec. 293a. Must Be Kept in Tin or Metal Canisters—When gunpowder is kept by retailers or venders, the same shall be kept in tin or metal canisters with good and closely fitting covers thereon. (Id., Art. 324.)

Sec. 294. Shall Not Be Stored in City Without Consent of Council—Gunpowder, giant powder, or dynamite, or kerosene oil, gasoline or other such oils, in greater quantity than may be determined by the Fire Committee and Chief of the Fire Department, shall not be stored in any place within the city limits without the consent of the City Council first had, upon

recommendation of the Chief of the Fire Department, under penalty of a fine of not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00). (Id., Art. 325.)

Sec. 295. Mode of Conveyance—No person shall carry gunpowder, giant powder, or dynamite or blasting powder, on any vehicle in any part of the city, unless the same shall be sufficiently well secured to prevent accident therefrom. (Id., Art. 326.)

Sec. 296. Nitro-Glycerine—Nitro-glycerine shall not be conveyed through or stored in the City of Houston under any circumstances. (Id., Art. 327.)

Sec. 297. Unlawful to Bring Into the City Concealed Explosives—It shall be unlawful for any person knowingly to bring within the corporate limits of the city any quantity of giant powder, gunpowder, or dynamite, or blasting powder, concealed in any manner, or marked in any names, or purporting to be other than gunpowder, giant powder or blasting powder. (Id., Art. 328.)

Sec. 298. Penalty—Any person who shall violate any of the provisions of this article, where other penalty is not provided, must be fined not less than Twenty-five nor more than One Hundred Dollars. (Id., Art. 329.)

Sec. 299. Where Cotton May Be Stored—That it shall not be lawful to store or keep any cotton within the corporate limits of said city in any building or place except in warehouses established and recognized by the city authorities as warehouses for the storage of cotton. (Id., Art. 330.)

Sec. 300. Must Be Guarded; Smoking Prohibited—It shall be the duty of all warehouse men, in storing cotton or other inflammable material, to have their warehouses properly guarded, day and night; to allow no fire to be made therein, and to prohibit the smoking of pipes or cigars in or about such warehouses at any time. (Id., Art. 331.)

Sec. 301. Unlawful to Erect Buildings Without Consent—It shall be unlawful to erect, build or use any storehouses or private building within the corporate limits of the city for the storage of cotton, unless the consent of the Council has been previously obtained therefor. (Id., Art. 332.)

Sec. 302. Penalty—Any person who shall keep or store cotton in violation of this article shall be fined in the sum of five dollars for every bale of cotton thus stored or kept for

each and every day it shall remain contrary to the provisions of this article, and any person who shall make or keep any fire, or smoke any pipe or cigar in any warehouse shall be punished by a fine of Ten Dollars for each and every such offense. (Id., Art. 333.)

Sec. 303. Duty of Chief of Police—It is made the duty of the Chief of Police to have all cotton kept or stored in violation of the provisions of this article removed to some warehouse at the expense of the owners or custodians of such cotton. (Id., Art. 334.)

Sec. 304. Unlawful to Store Boxes, Etc., in Certain Places, Etc.; Penalty—That the storage of boxes, paper, tar, inflammable oils and other highly inflammable substances, in the back yards, about the premises or within buildings, in such manner and in such quantities as to endanger the destruction of property and life by fire, is hereby declared a nuisance, and the owner of such building or premises, the lessee or other person in charge thereof who shall maintain said premises in said dangerous condition twenty-four (24) hours after having been notified in writing by the Alderman in charge of the Fire Department, the Fire Chief, or other officer of said Fire Department, shall be guilty of an offense, and upon conviction thereof in the Corporation Court shall be fined in any sum not less than Five Dollars (\$5.00) nor more than One Hundred Dollars (\$100.00), and provided that each day said nuisance is maintained after notice as herein provided shall constitute a separate offense. (July 12, 1909; Ord. Bk. 2, p. 516, Sec. 1.)

Sec. 305. Buildings Not to Be Occupied as Dwellings Where Used for Storage of Certain Articles; Penalty—No building, of which any part is used for the storage of large quantities of hay, straw, shavings, inflammable oils or other highly combustible materials, shall be occupied in any part as a dwelling place for families or as a tenement or lodging house, and the owner of such building, or the lessee thereof, or any person in charge thereof who shall violate this section shall be deemed guilty of an offense, and upon conviction thereof in the Corporation Court shall be fined in any sum not less than Five Dollars (\$5.00) nor more than One Hundred Dollars (\$100.00). (Id., Sec. 2.)

Sec. 306. Construction of Receptacles for Ashes, Etc.—That all receptacles for ashes, waste materials, and other substances liable by spontaneous combustion or otherwise to cause

a fire, shall be made of metal, brick or other non-combustible material, and shall be covered over tight by a non-combustible cover. (Id., Sec. 3.)

Sec. 307. Inspection Houses and Premises; Duty Chief Fire Department; Penalty—It is hereby made the duty of the Chief of the Fire Department, or other officer of said Department, to inspect all houses and premises within the City of Houston, and to notify the owner, lessee or occupant thereof to remove therefrom within twenty-four (24) hours such inflammable and highly combustible materials as, in his judgment, endanger said premises and the neighborhood thereof, and any tenant, lessee or owner failing and refusing to abate such nuisances within twenty-four (24) hours after notification as herein provided shall be deemed guilty of an offense, and upon conviction thereof in the Corporation Court shall be fined in any sum not less than Five Dollars (\$5.00) nor more than One Hundred Dollars (\$100.00). (Id., Sec. 4.)

Sec. 308. Carelessly Storing Hay, Straw, Etc.—Any person who puts or keeps, or causes to be put or kept, any hay, straw, fodder or shucks in any stack or pile without having the same enclosed or secured so as to be protected from sparks of fire, must be fined not less than One nor more than One Hundred Dollars. (Code 1904, Art. 638.)

Sec. 309. Burning Trash, Shavings, Etc.—Any person who burns, or causes to be burned, any trash, shavings, straw or other combustible or inflammable substance in any street or yard, unless it be done in the day time and at least twenty feet from any building or lumber or wood yard, must be fined not less than One nor more than One Hundred Dollars. (Id., Art. 639.)

CHAPTER XVII.

Fire Department.

Sec. 310. Creation of; Duties Officers and Employees—That there is created a Fire Department, the officers and employees of which are charged with the duty of preventing and extinguishing fires and conflagrations and preventing the loss of human life and property by fire, and such other duties as are now or may be hereafter imposed upon them by the Mayor or City Council or by the ordinances. (Feb. 25, 1914; Ord. Bk. 4, p. 199, Sec. 1.)

Sec. 311. Composition of—The Fire Department shall consist of the Fire Commissioner, the Fire Committee of the City Council, a Chief of the Fire Department, a First Assistant Chief of the Fire Department, a Second Assistant Chief of the Fire Department, a Secretary, and such number of Captains and Lieutenants, Engineers, Pipemen, Laddermen, Stokers, Privates, Drivers, Chauffeurs and Employees as the Mayor and City Council may provide or allow. (Id., Sec. 2.)

Sec. 312. Direction and Control of; Executive Head—That said Department and its officers and employees shall be under the direction and control of the Mayor, the Fire Commissioner and the Fire Committee of the City Council, and the Fire Commissioner shall be the executive head of the Department. (Id., Sec. 3.)

Sec. 313. Creation of Officers of; Appointment; Qualification—That there is created the office of Chief of the Fire Department, First Assistant Chief of the Fire Department, Second Assistant Chief of the Fire Department, and Secretary; the Chief shall be appointed by the Mayor and confirmed by the City Council; each shall, before entering upon the discharge of his respective duties, take the constitutional oath of office; that the Mayor and City Council may require any or all of the Chiefs to execute bonds to the city, if it is deemed advisable, in such amounts as he or it may determine; that such Chief of the Fire Department shall have had at least two (2) years' experience as a Fireman, and the First and Second Assistants shall have had at least two (2) years' experience as a fireman. They shall keep their offices at the Central Fire Station or other place required by the Mayor and City Council,

and shall be considered to be on duty all the time; that all officers and employees of the Fire Department, except the Chief, shall be appointed and employed by the Mayor. (Id., Sec. 4.)

Sec. 314. Chief, Etc., Attendance at Fires—That either the Chief of the Fire Department, or the First or Second Assistants shall attend all fires happening in the city if it be within their power. (Id., Sec. 5.)

Sec. 315. Chief Responsible for Conduct of—That the Chief of the Fire Department shall at all times be responsible for the conduct of the Fire Department and shall have immediate control of the property belonging thereto. (Id., Sec. 6.)

Sec. 316. Chief of, His Powers, Authority and Duties; Assistant Chiefs of, Authority—That the Chief of the Fire Department shall have sole and absolute control and command over all officers and employees connected with the Fire Department, and shall possess full power and authority over its organization, government, discipline, regulation and operation, and to that end he may, with the approval of the Mayor and City Council and Civil Service Commission, prescribe and establish, from time to time, such rules and regulations as may be deemed advisable, covering such power and authority.

He shall have custody of all of the fire stations and all of the property, equipment and apparatus belonging thereto. He shall examine into the condition of the fire stations, engines, equipment and apparatus, etc., of the Department, with sufficient frequency to keep himself fully advised concerning the same, and once in each year he shall make such an examination and report the results thereof to the Mayor on or before the fifth day of March in each year.

He shall also make a monthly report to the Mayor and Fire Commissioner of all losses by fire that may have taken place in the city during the preceding month, with the cause thereof, as well as can be ascertained, and the number and description of buildings destroyed and injured.

He shall prepare and submit to the Mayor and Fire Commissioner, when required, an estimate of needed equipments and the cost of providing for the maintenance of the Fire Department during the ensuing fiscal year.

He may, with the approval of the Mayor, suspend members of the Fire Department for insubordination or inattention to, or neglect of, duty, or violation of the ordinances or the rules and regulations of the Department until such member or mem-

bers have been permanently removed, discharged or reinstated, and during the time of such suspension, unless such officer or employee be reinstated without prejudice, he shall not be entitled to the pro rata portion of his salary.

He, or the Assistant or other officer in command, shall have power to cause the removal of the property of any citizen whenever it shall become necessary for the preservation of such property from fire, or to prevent the spreading of fire, or to protect adjacent property from loss by fire.

He, or the Assistant or other officer in command, may direct the firemen to cut down, remove or destroy any building, erection or fence belonging to any citizen for the purpose of checking the progress of any fire, and shall have power to blow up or cause to be blown up, with powder, or otherwise, any building or structure during the progress of any fire where it may be necessary for the purpose of extinguishing or checking the spread of fire.

He, or any Assistant or other officer, shall have power during the progress of a fire, and for a reasonable time thereafter, to arrest any person, suspected of incendiarism, or any person hindering or resisting the work of the firemen. He may arrest and place in jail any fireman or officer of the Department for failure to obey orders. (Id., Sec. 7.)

Sec. 317. Officer in Control, Etc., at a Fire During Absence of Chief—That in the absence of the Chief of the Fire Department at a fire, the First Assistant shall take control and charge of the work of the Department thereat, and in the absence of both the Chief and First Assistant Chief, the Second Assistant Chief shall take such control and charge; in case of the absence of the Chief and the First and Second Assistant Chiefs, then the First Captain or First Lieutenant arriving at such fire shall take such charge and control of the work of the Department thereat until the arrival of a superior officer of said Department. Captains will outrank Lieutenants and the Captains will rank in the order of the length of time they have served in the Department. (Id., Sec. 8.)

Sec. 318. Rules and Regulations of City Council and Civil Service Commission; Duties of Subordinate Officers, Etc.—That all officers, including the Chief and Assistants of, and employees in, the Department, shall be subject to the rules and regulations adopted by the City Council and Civil Service Commission for the organization, government, discipline, regulation and operation of the Department, and all subordinate officers and employees shall perform and discharge such duties

as shall be prescribed or required of them by the Chief of the Fire Department, and such rules and regulations so passed. (Id., Sec. 9.)

Sec. 319. First Assistant Chief Performs Duties of Chief, When—That in case of the absence of the Chief of the Fire Department, or of his inability to perform the duties of, or a vacancy in, his office, the First Assistant Chief shall perform and discharge all of the duties of Chief of the Fire Department until such time as the Chief returns, or the vacancy is filled. (Id., Sec. 10.)

Sec. 320. Members of to Be Furnished Copy of Rules, Etc.; Shall Study Them—Each member of the Fire Department shall be furnished with a copy of all of the rules and regulations adopted for the government, etc., of the Department and shall study and familiarize himself with the same. (Id., Sec. 11.)

Sec. 321. Secretary of; Duties, Etc.—It shall be the duty of the Secretary to maintain his office at the Central Fire Station; to preserve and keep all books and papers belonging to the Fire Department; to keep a complete and perfect record of all matters concerning and connected with the Fire Department; to make reports whenever requested by the Fire Commissioner, Mayor or City Council; he shall be under the direction and control of the Chief of the Fire Department and the Fire Commissioner. (Id., Sec. 12.)

Sec. 322. Salaries of New Appointees, Etc., Graduated—That the monthly salaries of the Lieutenants, Laddermen, Stokers, Drivers and Pipemen in the Department who are employed after March 1st, 1914, shall be graduated and paid at the following rate, according to their service and experience:

For the first six months' service Sixty-five Dollars (\$65.00) per month, at the end of which time said employee shall be examined, and if he shows a good report for obedience, attention to duty and efficiency and is able to stand the examination prescribed by the Civil Service Commission, he shall then be paid for the next or second six months' service the sum of \$70.00 per month. At the end of the second six months' period, if said employee shows a good report for obedience, attention to duty and efficiency and is able to stand the examination prescribed by the Civil Service Commission, he shall be paid for the next six months' period \$75.00 per month. At the end of the third six months' service, if the employee is

able to show a good report for obedience, attention to duty and efficiency and can stand the examination prescribed by the Civil Service Commission, he shall then be considered a full-fledged fireman and will thereafter be entitled to receive the sum of \$80.00 per month for his services. (Id., Sec. 13.)

Sec. 323. Appointees at Central Fire Station Receive \$2.50 Per Month in Excess Other Appointees—On account of the extra service and work required of the firemen at Central Station, all of the employees at said station, except the Watchmen, who receive a salary less than \$90.00 per month, shall be paid an extra \$2.50 per month each, in addition to the schedule of wages prescribed in the preceding paragraph, but this extra \$2.50 only applies to employees above mentioned at the Central Fire Station. (Id., Sec. 14.)

Sec. 324. Employees Now in Department, Full-Fledged Firemen—All employees that are now in the service of the Fire Department shall, insofar as their salary is concerned, be considered full-fledged firemen and they will be entitled to draw the monthly compensation for their services prescribed in the following section; but all employees now in the service of the city in the Fire Department shall nevertheless be required to show at the end of each six months a good report for obedience to orders, attention to duty and efficiency, and must stand the necessary examinations prescribed by the Civil Service Commission, in order to hold their position and compensation. If they fail in producing the report above mentioned and standing the examination above mentioned, they shall be reduced to the salaries prescribed for other employees serving the length of time as shown in Section 322. (Id., Sec. 15.)

Sec. 325. Salaries of Officers and Employees—The monthly salaries of the officers and employees of the Fire Department beginning with the month of March, 1914, shall be as follows:

The Chief of the Fire Department shall receive Two Hundred Dollars (\$200.00) per month.

The First Assistant Chief, One Hundred and Fifty Dollars (\$150.00) per month.

The Second Assistant Chief, One Hundred and Fifteen Dollars (\$115.00) per month.

Secretary of the Fire Department, Ninety Dollars (\$90.00) per month.

Captain at Central Fire Station, One Hundred Dollars (\$100.00) per month.

Captain at each of Stations Nos. 7 and 9, One Hundred Dollars (\$100.00) per month.

Captains at all other stations, Ninety Dollars (\$90.00) per month.

First Engineer at Central Fire Station, One Hundred and Five Dollars (\$105.00) per month.

Engineer at Fire Station No. 8, Ninety Dollars (\$90.00) per month.

Veterinarian at Fire Station No. 8, Ten Dollars (\$10.00) per month.

Engineers at all other stations, Ninety Dollars (\$90.00) per month.

Chauffeurs at all stations, Ninety Dollars (\$90.00) per month.

Lieutenants, Laddermen, Stokers, Drivers and Pipemen, after they have served the requisite eighteen months' period described in Section 322, shall receive each the sum of Eighty Dollars (\$80.00) per month.

Watchmen at Central Fire Station, Seventy-Five Dollars (\$75.00) per month.

Watchmen at Stations Nos. 7 and 9, each, Seventy Dollars (\$70.00) per month.

Watchmen at all other stations, Sixty-five Dollars (\$65.00) per month. (Id., Sec. 16.)

Sec. 326. Firemen Assigned to Duty as Watchmen; Salary—Should a fireman be assigned to duty as Watchman after March 1st, 1914, he will receive as compensation for his said services as Watchman only such compensation as is fixed for Watchmen at said station, regardless of what salary the said Fireman had been previously paid. (Id., Sec. 17.)

Sec. 327. Automatic Candidates for Promotion in—For 15 days previous to the end of the first, second and third six months' service provided in Section 322, all Lieutenants, Laddermen, Stokers, Drivers and Pipemen shall automatically become candidates for promotion and shall be considered applicants for promotion, unless they notify the Department to the contrary. (Id., Sec. 18.)

Sec. 328. Employee Failing of Promotion; Second Trial in Case Failure—In the event any employee in the Fire Department above mentioned shall fail to pass the examination

prescribed by the Civil Service Commission, or shall fail to produce a good report for obedience to orders, attention to his duty and efficiency, he shall not be promoted, but may, if the Chief of the Fire Department recommends, be retained in the service and be given one more trial for promotion at the end of the first six months after any such failure. But he must serve an additional six months after his failure to pass before he will be eligible for promotion. Upon a second failure to pass for the same grade the fireman so failing shall be discharged from the service. (Id., Sec. 19.)

Sec. 329. Police Power of Members of; Penalty for Failure to Comply With Orders of Members of—The Chief of the Fire Department of the City of Houston and each of his assistants and all officers thereof shall have the same police power at all fires as the police officers of the city have, and may command all reasonable assistance from the inhabitants of the city for the suppression or extinction of fires as may be necessary. Any person refusing to give such reasonable assistance or refusing to comply with any reasonable orders given by the Chief of the Fire Department, or any official in the Fire Department, shall be deemed guilty of an offense and upon conviction thereof he shall be fined not less than One Dollar (\$1.00) nor more than Fifty Dollars (\$50.00). (Id., Sec. 20.)

Sec. 330. Injuring Fire Alarm Appurtenances—Any person who shall interfere with, or cut, or injure, any of the boxes, wires or poles, or any of the appurtenances thereto, of the electric fire alarm system of the City of Houston, shall be fined not less than Ten nor more than One Hundred Dollars. (Code 1904, Art. 346.)

Sec. 331. Driving Over Fire Hose—Any person who unlawfully drives, or causes to be driven, any vehicle over or across any hose used for conducting water from any fire engine, fire plug or hydrant, must be fined not less than One nor more than One Hundred Dollars. (Id., Art. 346a.)

Sec. 332. False Alarm of Fire; Penalty—If any person shall falsely or maliciously, by any means whatsoever, give an alarm of fire when there is no fire, he shall be deemed guilty of an offense, and, upon conviction thereof, shall be fined in any sum not less than Twenty-five nor more than One Hundred Dollars. (Id., Art. 347.)

Sec. 333. Vehicles of Fire Department to Have Right of Way—Vehicles and apparatus of the Fire Department of the City of Houston, Harris County, Texas, shall have the right of way in and upon all streets and avenues of said city over all other vehicles of every kind and character, as well as persons on bicycles and horses, and the sounding of the bell or gong thereon, as well as the bell from the fire alarm apparatus, shall constitute a warning to the persons hereinafter named to clear the streets and avenues and do the things hereinafter required. That the ordinance limiting the speed of vehicles shall not be deemed to apply to the vehicles above named. (Id., Art. 348.)

Sec. 334. Street Cars to Stop as Near Center of Block—That every motorman operating a street car within the said City of Houston, upon the sounding of the bell from the fire alarm apparatus in the Market House, or the ringing of the bell or sounding of the gong on any vehicle or apparatus of the Fire Department of said city, shall stop as near to the center of the block as is possible whenever any engine, cart, wagon or other vehicle or apparatus of the said Fire Department of the City of Houston is about to cross the tracks on which the car he is operating is running, and in no event shall he attempt to pass ahead thereof, and shall so remain standing until such engine, cart, wagon or other vehicle or apparatus has passed. (Id., Art. 349.)

Sec. 335. Drivers of Carriages, Etc., to Drive as Near Curb as Possible—Every driver of any and every kind of carriage, wagon or other vehicle drawn by animals, or operator of any kind of motor vehicle, or the rider of any horse or bicycle, within the said City of Houston, upon the sounding of the bell from the fire alarm apparatus in the Market House, or the ringing of the bell or sounding of the gong on any vehicle or apparatus of said Fire Department, shall drive as near to the curb as possible, and at least ten feet from the corner of the street, and stop, whenever any engine, cart, wagon, or other vehicle or other apparatus of said Fire Department is about to cross or travel along the street or avenue upon which said vehicle is standing or being driven, and shall so remain standing until such engine, cart, wagon, or other vehicle or apparatus has passed. (Id., Art. 350.)

Sec. 336. Pedestrians to Get on Sidewalk—That each and every pedestrian within the said City of Houston, upon the sounding of the bell from the fire alarm apparatus in the Mar-

ket House, or the ringing of the bell or sounding of the gong on any vehicle or apparatus of the Fire Department, shall get upon the sidewalk whenever any engine, cart, wagon or other vehicle or apparatus is about to travel along such street or avenue and shall remain thereon until same has passed. (Id., Art. 351.)

Sec. 337. Penalty—That the failure of any person named herein to comply with the provisions of the last preceding four sections or any part of same, shall constitute an offense, and upon conviction such person shall be fined in any sum not less than One Dollar and not more than One Hundred Dollars. (Id., Art. 352.)

Sec. 338. Interference With, Etc., Unlawful—That it shall be unlawful for any person to interfere with the Fire Department of said city in fighting fire, or to take possession of any apparatus of said Department, or to interfere with its use by the members of said Fire Department, or to hinder or prevent any member of said Fire Department from fighting said fire, or to in any way impair, lessen or destroy the effectiveness of the apparatus or men engaged in fighting any fire in the City of Houston. (Oct. 11, 1909; Ord. Bk. 2, p. 537, Sec. 1.)

Sec. 339. Penalty—Any person violating the next preceding section shall be guilty of an offense, and upon conviction thereof in the Corporation Court shall be fined in any sum not less than One Dollar (\$1.00) nor more than One Hundred Dollars (\$100.00). (Id., Sec. 2.)

CHAPTER XVIII.**Fire Marshal.**

Sec. 340. Creation of Office—That the office of Fire Marshal is hereby created; that said office shall be independent of other departments, and that the Fire Marshal shall report directly to the Mayor and City Council. Said office shall be filled by appointment of the Mayor and with the consent of the City Council. (May 23, 1910; Ord. Bk. 3, p. 566, Sec. 1.)

Sec. 341. Duties—It shall be the duty of the Fire Marshal to investigate the cause, origin and circumstances of every fire occurring within the City of Houston. The Fire Marshal shall investigate the cause, origin and circumstances of every fire occurring within the City of Houston by which property has been destroyed or damaged and shall especially make investigation as to whether such fire was the result of carelessness or design. Such investigation shall be made or begun within twenty-four (24) hours of the occurrence of such fire. And it shall be the duty of the Fire Marshal to keep in his office in a well-bound book a complete record of all fires occurring within the City of Houston by which property has been destroyed or damaged, including all the facts, statistics and circumstances, the origin of the fire, the amount of the loss, which may be determined by the investigation, and whether said losses were paid by the insurance companies and when. Said record shall be at all times open to the public for inspection. (Id., Sec. 2.)

Sec. 342. May Take Evidence; Disposition Thereof—The Fire Marshal, when in his judgment further investigation is necessary, shall cause to be taken under oath the testimony of such persons as are cognizant of the facts in relation to the nature of the fire and its origin, and shall cause said evidence to be reduced to writing and sworn to before a Notary Public, and if he shall be of the opinion that there is evidence sufficient to charge any person with the crime of arson or with the attempt to commit said crime, he shall cause such evidence, together with the names of all witnesses, to be placed in the hands of the proper prosecuting attorney and shall furnish said attorney all the evidence at his command pertinent to the case. (Id., Sec. 3.)

Sec. 343. May Secure Notary; Expense Paid by City—

The Fire Marshal is hereby authorized to procure the services of a Notary Public, and shall in connection with said Notary Public secure evidence under oath touching any subject of inquiry or investigation which he in the exercise of the duties of his office may find necessary to be made, and the necessary expenses incurred in procuring the services of a Notary and other expenses incident to such investigation shall, when approved by the Fire Marshal, be paid out of the general fund of the City of Houston. (Id., Sec. 4.)

Sec. 344. Authority to Examine Buildings Where Fire Has Occurred—The Fire Marshal shall have authority at all times in the performance of his duties to enter upon and examine any building or premises where any fire has occurred or is occurring, and also the buildings and premises adjoining and nearby the building in which the said fire exists. (Id., Sec. 5.)

Sec. 345. Right to Inspect for Fire Risk, Etc.; Duty at Certain Buildings—The Fire Marshal, upon complaint of any person, or without complaint, shall have the right at all reasonable hours, for the purpose of examination, to enter into and upon all buildings and premises within the city for the purpose of inspecting same as to the fire risk. And it shall be his duty at least once every year to enter upon and make or cause to be made a thorough examination of all mercantile, manufacturing and public buildings, together with the premises belonging thereto. Whenever he shall find any building or other structure, which for want of repair or by reason of age or dilapidated condition or for any other cause is especially liable to fire and so situated as to endanger other buildings or property, or so occupied that fire would endanger the lives of persons or property therein, and whenever he shall find an improper or dangerous arrangement of stoves, ranges, furnaces and other heating appliances of any kind, including chimneys, flues and pipe with which the same may be connected, or any dangerous arrangement of lighting devices or any dangerous or unlawful storage of explosive compounds, petroleum, gasoline, kerosene, dangerous chemicals, vegetable products, ashes, combustible, inflammable, refuse materials, or other conditions which in his opinion are dangerous in character or liable to cause or promote fires or create conditions dangerous to the firemen or occupants of any building, he shall order the same to be removed or remedied, and shall follow up said order and see that same is complied with by

the owner or occupant of said building, within a reasonable time, and in case of failure upon the part of the owner or occupant to comply with said order, or refusal to do so, it shall be his duty to report said fact to the Mayor and City Council, and to notify the insurance companies of said action, and if in his judgment the exigencies of the case demand it, he shall file complaint thereof before the proper court. (Id., Sec. 6.)

Sec. 346. Assessed Valuation of Stocks of Goods, Etc.—
The Fire Marshal shall keep in his office a record of the assessed valuation of every stock of goods, wares and merchandise, as shown by the books of the City Assessor and Collector of Taxes. And it shall be his duty to furnish said assessed valuation to any insurance company, its agent, or to any insurance adjuster. (Id., Sec. 7.)

CHAPTER XIX.

Harbor Department.

Article 1.—Board of Harbor Commissioners.

2.—Franchises.

3.—Revenues.

4.—Penalties.

5.—Wharf Master.

ARTICLE 1.

BOARD OF HARBOR COMMISSIONERS.

Sec. 346a. Creation Harbor Department; Control Vested Board Harbor Commissioners—There is hereby created a department of the government of the City of Houston to be known as the "Harbor Department," which shall be under the control and management of a board of five commissioners and the Mayor, to be known as the Board of Harbor Commissioners, whose control and management of the matters pertaining to said department shall be subject to the approval of the City Council. (Dec. 3, 1913; Ord. Bk. 3, p. 560, Sec. 1.)

Sec. 347. Appointment, Etc., Board—The members of the Board of Harbor Commissioners shall be appointed by the Mayor, subject to confirmation by the Council. No person shall be appointed a harbor commissioner who is not a resident citizen of the City of Houston, over the age of twenty-one years. The members of said board shall serve without compensation. (Id., Sec. 2.)

Sec. 348. Term of Office; Vacancies; President of Board; Vice President—The term of office of the members of the Board of Harbor Commissioners shall be two years. The term of office of the five members first appointed hereunder shall commence upon their appointment to and written acceptance of membership, and unless such written acceptance shall be filed with the Mayor within fifteen days after the appointment, then the Mayor shall appoint, subject to confirmation as provided in Section 347, others to fill the places not accepted, until said board shall have its full membership. Said five members first appointed shall so classify themselves by lot that three of their number shall go out of office at the expiration of one

year from the time of their appointment; provided, however, such members shall hold office until their successors have qualified. Whenever a vacancy occurs for any reason, the Mayor shall fill the same by appointment for the unexpired term, subject to the confirmation of the Council. The Mayor, subject to the approval of the Council, shall name the president of the board, who shall hold his office two years, and until his successor shall have qualified, unless his membership on the board sooner expires. Said board shall elect from their number a Vice President, who shall perform all the duties of the President in the event of the absence or inability of the President to act. The President of the Harbor Commissioners shall be the executive officer of the Harbor Department, and in the event of his absence or inability to act the Vice President shall be the executive head. (Id., Sec. 3.)

Sec. 349. Secretary of Board—The Board of Harbor Commissioners may appoint a Secretary, not a member of the board, whose salary shall be fixed by the Council. Such Secretary shall keep a record of all the proceedings of the board, specifying therein the names of the commissioners present at all meetings, and giving the ayes and noes upon all votes. The Secretary of the board shall certify such proceedings under his hand, to be authenticated by a seal, if a seal be adopted and provided by the board for that purpose, and shall perform all such other duties as the board may prescribe or as may be fixed by ordinance. (Id., Sec. 4.)

Sec. 350. Meetings of Board; Rules and Regulations—The Board of Harbor Commissioners shall hold regular meetings at least once in each month, and as much oftener as may be necessary for the transaction of business. Three members shall constitute a quorum for the transaction of business, and the passage of any resolution or order by the board shall require a majority vote of those present. The board shall have power to make by-laws governing the conduct of its members and the dispatch of business thereat, and shall also have the power, subject to the approval of the City Council, to establish all necessary rules and regulations for the government of the Harbor Department, and for the regulation of the conduct of the officers and employees therein as it shall deem proper. (Id., Sec. 5.)

Sec. 351. City Engineer Ex-officio Harbor Engineer—The City Engineer shall be the engineer of the Board of Harbor Commissioners, and shall be ex-officio harbor engineer of the

city; and in addition to the duties otherwise prescribed in the charter and ordinances of the City of Houston, he shall perform such engineering and surveying necessary for the public work done under the direction or supervision of the board, as said board may require. He shall make such certificates and reports upon the progress of such work, and shall make such surveys, inspections and estimates, and perform such other surveying and engineering work as may be required by the board. (Id., Sec. 6.)

Sec. 352. Employees of Harbor Department, How Employed—The Board of Harbor Commissioners shall have the right to employ all necessary help in the conduct of the Harbor Department; provided, the necessity for the same and the compensation thereof shall be determined in advance by the City Council upon the recommendation of the board, the powers, duties and qualifications of such employees to be fixed by ordinance, subject to such civil service rules and regulations as may now or hereafter be in force affecting same. Said board shall have the power, with the approval of the Council, to discharge, suspend or remove from office all employees of the Harbor Department, and to require bonds of such employees to insure the faithful performance of their duties. (Id., Sec. 7.)

Sec. 353. Board Has Control Houston Ship Channel, Etc.—The Board of Harbor Commissioners, under this chapter and ordinances hereafter passed, shall have possession and control of the entire Houston Ship Channel water front, from Main Street down to and including the limits of the city's control of said channel, together with all other navigable waters in the limits of this city, and authority to use, for the loading and landing of merchandise, with a right to collect dockage, wharfage and tolls thereon, such portions of the streets and other public places terminating or fronting on said Houston Ship Channel or other navigable waters in said city limits as may be used for same without obstructing the same as public thoroughfares. (Id., Sec. 8.)

Sec. 354. Specific Powers of Board—The Board of Harbor Commissioners shall have power, subject to such ordinances as the City Council may hereafter from time to time adopt, and with the approval of the Council:

(a) To make, adopt and enforce by-laws, rules and regulations regarding the use and control of the water front, Houston Ship Channel from Main Street to and including the limits

of the city's control on said channel and all other navigable waters within the city limits, and the anchoring, mooring, towing, docking and landing of all steamships, vessels and other water craft therein, respecting pilotage and towage, and the placing, installment and maintenance of buoys, bells, lights and fog horns in and upon said channels and waters.

(b) To regulate and control the operation and use of all wharves, piers, docks, slips, quays, landings, elevators, cranes, derricks, warehouses, marine ways, dry docks, railways and other utilities, structures and appliances for the accommodation of commerce upon said channel and waters, for the taking on and landing of passengers, and the loading and discharging of the cargoes of steamships, vessels and other crafts plying thereon.

(c) To fix, regulate and collect rates or charges for wharfage, dockage, tolls and cranage of all steamships, vessels and other craft admitted to the wharves, piers, docks, slips, quays and landings owned, operated or controlled by the city or leased by the city to private individuals or corporations; the rate of towage and pilotage in said waters, and the rates of charges on all ferries, steamships, vessels or other craft owned, controlled or operated by the said city or its licensees, and to fix, regulate and collect rates or charges for the use of all warehouses, elevators, bunkers, marine ways, dry docks and other structures, derricks, cranes and other appliances owned, controlled or operated by the city, or by lessee from the city and constructed or used for the loading or unloading of cargoes of steamships, vessels and other water craft, and for the storage thereof, and for the use of all appliances for the taking on or discharge of passengers by or from such steamships, vessels or other water craft.

(d) The powers conferred by this section upon said Board of Harbor Commissioners shall be exercised by resolution or order adopted by a majority of its members, and recorded in the minutes with the ayes and noes at length; provided, that no such resolution or order shall be effective until the same shall be approved by the City Council, by ordinance, and shall be thereafter published as required by law. And any person, firm or corporation, who shall violate the provisions of any such resolution or order as approved by ordinance shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than Two Hundred Dollars. (Id., Sec. 9.)

Sec. 355. Board's Powers as to Control, Etc.—The Board of Harbor Commissioners shall have charge, superintendence and control, except as the City Council may by ordinance provide hereafter, and subject to the approval of the City Council:

(a) Of the design, construction, maintenance and repair of all walls, embankments, bulkheads, wharves, piers, docks, quays, slips, landings, elevators, cranes, derricks, marine ways, warehouses and other structures and appliances erected, operated and maintained by the city for the accommodation of commerce in and upon said Houston Ship Channel and waters in the city limits, for the landing of steamships, vessels and other water craft therein, for the loading, discharging and storing of the cargoes of freight from such steamships, vessels and other craft, and of all appliances erected, constructed and maintained by the city for the taking on or discharging of passengers by or from such steamships, vessels or other water craft.

(b) Of the dredging, deepening, widening and clearing of the Houston Ship Channel, all slips, docks, canals, basins, waterways and other waters in the city limits, and of the acquisition, construction and operation of dredging machines, scows, tugs and other machinery or appliances therefor, and of the employment of persons to operate the same; provided, that all of such powers herein provided for shall be exercised with the approval and consent of the Council, and that all material removed by reason of deepening, dredging, widening or clearing of any such slips, docks, channels, basins, canals or waterways shall be deposited in such place or places as the City Council may designate.

(c) Of all wharves, piers, docks, quays, slips, landings, dry docks, marine ways, elevators, cranes, derricks, warehouses and other structures, marine ways, railways and all other structures and appliances owned, controlled or operated by the city for the landing of vessels, the loading and unloading of their cargoes, and the storage thereof, the taking on and discharge of their passengers.

(d) Of all the ferries, towboats, pilot boats, steamships and other vessels and water craft owned, operated or controlled by the city.

(e) But no moneys shall be expended, or obligation to expend same incurred on account of any of the matters referred to herein without prior approval thereof by the City Council. (Id., Sec. 10.)

Sec. 356. Additional Powers Conferred and Duties Imposed on Board—In addition to the powers and duties hereinbefore provided, the Board of Harbor Commissioners shall exercise and perform the further powers and duties:

1.—To make at such times as may be prescribed by their rules and regulations or by ordinance, a thorough investigation into the affairs of all persons, firms or corporations operating or maintaining ferries, wharves, piers, docks, quays, moles, slips, landings, elevators, derricks, marine ways, warehouses, and other public service utilities pertaining to the water front, Ship Channel, Turning Basin and other navigable waters within this city, and collecting fares, wharfage, dockage, tolls and other charges for the use of the same, in the City of Houston or within its jurisdiction, and compile such data as may be necessary to determine the proper licenses and charges for the service furnished or supplied by such persons, firms or corporations, as provided by this chapter or as hereafter provided. Such data shall include a valuation of the physical properties of such persons, firms or corporations, a detailed statement of the gross and net earnings, expenses, capitalization and indebtedness thereof, and such matters as the board may deem proper, and shall include such facts and figures as may be obtainable regarding the operation and maintenance of similar works and utilities in other municipalities. The board shall have the right at all reasonable times to have access to, and in person or by their duly authorized representatives to examine the books, papers, maps and records showing the affairs, transactions, property and financial conditions of such persons, firms or corporations, for the purposes of such investigation and the compiling of such data.

2.—To fix, subject to approval, change or modifications by the City Council, as herein provided, the amount of licenses to be imposed and collected by the city, and the rates to be charged and collected by any person, firm or corporation for the services mentioned in Subdivision 1 of this Section; such licenses and rates to be so fixed for such, as may be prescribed by ordinance or otherwise by law, but in no event for a period of less than one year nor for more than three years. Such licenses and rates shall be fixed by resolution of the board, to be recorded in the minutes with ayes and noes at length. Immediately upon the adoption of any such resolution, a copy of the same certified by the Secretary of said board, shall be filed with the City Secretary. The City Secretary shall present such resolution to the City Council at its next regular meeting.

Any person interested or affected by the rates and licenses specified in any such resolution may, within fifteen days after the adoption of such resolution, file objections thereto with the City Secretary specifying the grounds of such objections and petition the City Council for a rehearing of such rates. The City Secretary shall lay all such objections before the City Council at its next regular meeting after the expiration of the time for the filing of the same. The City Council may, upon any such petition, order a rehearing of the rates or licenses objected to. At such rehearing the City Council shall consider such rates or licenses, shall hear and pass upon the objections thereto at such time, and under such rules and modes of procedure as it shall by ordinance prescribe, and shall have the power to finally fix such rates or licenses by approving, changing or modifying the same, such change or modification to be made by ordinance; provided, however, that in order to change or modify any rates or licenses fixed by the said Board of Harbor Commissioners, a majority vote of the City Council shall be necessary.

All rates or licenses to which no objections are filed or offered shall be deemed to be finally fixed by said Board of Harbor Commissioners. All rates or licenses fixed under the provisions of this chapter shall be so fixed as to take effect immediately upon their final approval by the City Council.

3.—To investigate any and all complaints against the service or charges of any person, firm or corporation operating any ferry, wharf, pier, dock, quay, slip, landing, elevator, derrick, marine way, warehouse, and other public utilities pertaining to the water front, Ship Channel, Turning Basin, and other navigable waters within the jurisdiction of the city, and to recommend legislation to the City Council, or action to the executive officers of the city whenever, in the judgment of the board, such legislation may be necessary.

4.—To superintend the inspection of all ferries, wharves, piers, docks, quays, moles, slips, landings, elevators, cranes, derricks, marine ways, warehouses, and other public service utilities pertaining to the water front, Ship Channel, Turning Basin, and other navigable waters within the jurisdiction of the city, maintained or furnished by persons, firms or corporations in the City of Houston or within its jurisdiction, as to their compliance with their franchises, and with the law and the ordinances of said city regulating the manner of conducting their business and the service and charges of such persons, firms or corporations, and their treatment of the public, and

from time to time to recommend such legislation or executive action based on such investigation as, in their judgment, may be required.

5.—To prepare and keep a detailed and indexed record of all franchises or other grants or leases for ferries, wharves, piers, docks, quays, moles, slips, landings, or other public service utilities granted or given by the city or by other authority, in, upon or pertaining to, the water front, Ship Channel, Turning Basin, or other navigable waters within the jurisdiction of the city that are now in existence or that may hereafter be given or granted, showing the date, location, term thereof, and all other like public franchises exercised in the City of Houston. (Id., Sec. 13.)

Sec. 357. Commissioners May Administer Oaths and Require Attendance of Witnesses, Etc.—Each Harbor Commissioner is hereby authorized and empowered to administer oaths and affirmations in all matters incident or pertaining to the exercise of the duties or powers of the board. Said board is hereby authorized and empowered to require, by subpoena, the attendance and testimony of witnesses, and the production of books, papers and documents in any investigation, hearing or proceeding conducted by said board in respect to any matter or thing of which said board has jurisdiction. The subpoena authorized as aforesaid shall be issued and signed by the president of said board. The Chief of Police is hereby authorized and directed to serve or cause to be served any and all subpoenas that may be issued by said board from time to time. Any person, firm or corporation who shall violate any portion of this section, or who shall refuse to obey said subpoenas, or who shall refuse to testify before said board, shall be guilty of a misdemeanor, and punishable by a fine of not less than Five Dollars (\$5.00) nor more than Twenty-five Dollars (\$25.00). (Id., Sec. 14.)

ARTICLE 2.

FRANCHISES.

Sec. 358. Applications for Franchises for Ferry, Wharf, Etc.; Subsequent Procedure—Every application made to the City Council for a franchise for any ferry, wharf, pier, dock, quay, mole, slip, landing, or other public service utility in, upon or pertaining to the water front of the Houston Ship Channel from Main Street to and including the limits of the city's control on said channel and other navigable waters

within the city limits, shall, before any action is taken thereon, be referred by the City Council to the Board of Harbor Commissioners respecting the same. Said board shall proceed to inquire into said application and within thirty days after said application has been referred to it, or longer if allowed by the City Council, shall report to the City Council its recommendation relative thereto. If, in the judgment of the board, such application should not be advertised for sale or granted, it shall so report, stating its reasons therefor; and if, in the judgment of the board, such application should be granted, it shall recommend the terms and conditions upon which the same shall be granted. No such franchise shall be advertised for sale or granted except on application therefor in writing previously filed with the City Council, nor unless such application shall have been referred to the Board of Harbor Commissioners, as aforesaid; provided, that if said board shall fail to report thereon within the time specified, or as extended by the City Council, nothing therein shall be construed to prevent the City Council, at its discretion, from proceeding to advertise said franchise for sale, or from awarding the same, as provided by law. No franchise shall be advertised for sale or granted contrary to the recommendation of said board except upon a majority vote of the entire City Council. (Dec. 3, 1913, Ord. Bk. 3, p. 560, Sec. 11.)

Sec. 359. Application for Franchises to Use Water Frontage, Etc.; Subsequent Procedure; Provisos—Every application for the right, privilege or franchise to use any portion of the water frontage or tide lands or submerged lands belonging to the City of Houston, whether filled or unfilled, shall be presented in writing to the City Council. Such application shall state the purposes for which such water frontage, tide or submerged lands are proposed to be used. Before any action is taken thereon by the City Council, such application shall be referred by it to the Board of Harbor Commissioners, which shall investigate the same, and shall within thirty days after such application shall have been referred, or within such further time as shall be allowed by the City Council, report to the City Council in writing its recommendations relative thereto. If, in the judgment of said board, such application should not be granted, said board shall so report, stating its reasons therefor; but if, in the judgment of the board, such application should be granted, said board shall in its report specify the terms, stipulations and conditions thereof, and the compensation to the city therefor, as shall be

deemed by said board necessary and proper. No application to use any portion of such water frontage, tide lands and submerged lands shall be granted, except in pursuance of an application therefor in writing previously filed with the City Council and referred to the Board of Harbor Commissioners, as aforesaid; provided, that if said board shall not report its recommendations thereon within the time above specified, or as so extended by the Council, the Council may, at its discretion, proceed to grant such application or order such right, privilege or franchise to be granted, as provided by the Charter of this city; and provided further, that no application shall be granted and no such right, privilege or franchise shall be given contrary to the recommendations of the Board of Harbor Commissioners, except the same be granted or given by a vote of a majority of all the members of the Council, taken by ayes and noes, and entered upon the minutes of the Council; provided further, that nothing herein shall be construed to require the City Council to refer any application applied for hereunder or under any other section of this chapter to the Board of Harbor Commissioners should the City Council be of the opinion that same should not be granted, and it shall not be necessary to make such reference where the Council is opposed to the granting of such application; provided further, that no lease or grant of any right, privilege or franchise hereunder shall ever be made for any term exceeding twenty years, nor shall any such grant ever be made except in accordance with the provisions of the City Charter and under authority of an ordinance determining the terms, conditions and limitations of such lease, grant, privilege or franchise, nor shall any such lease or grant ever be made of any portion of any Ship Channel, Turning Basin, water front, tide land or submerged land, or any land, right or privilege belonging to the City of Houston or under its control, on Buffalo Bayou Ship Channel or any of its tributaries, unless said property shall have first been declared by the Council by ordinance to be not required for any public purpose or use, nor shall any such lease or grant be made contrary to any of the restrictions or limitations which now exist or which may hereafter exist under the ordinances; provided further, all such leases, grants, privileges or franchises shall provide for the readjustment of the rental or charge every five (5) years; provided further, that no such lease, grant, privilege or franchise shall be made for any length of time of any wharf or any portion thereof or any portion of the water front, tide land or submerged land owned by or under the control of the

city upon such terms and conditions as will interfere with the use thereof for their wharves. (Id., Sec. 12.)

ARTICLE 3.

REVENUES.

Sec. 360. Revenues to Be Credited to "Harbor Revenue Fund"; How Drawn From; Purposes for Which It May Be Used—All moneys received or collected from or arising out of the use or operation of any and all railroads, wharves, piers, docks, slips, moles, ways, dry docks, quays, landings, elevators, cranes, derricks, warehouses, ferries, steamships, vessels, and other water craft, tug boats and all other works, appliances or utilities owned, operated or controlled by the City of Houston in, or upon or pertaining to the water front upon said Houston Ship Channel, Turning Basin, or other navigable waters in this city, all fees for pilotage, and all rents or other charges for rights, privileges or franchises granted for the use of the water frontage, tide lands or submerged lands, all rents for leases of such lands, wharves, docks or portions thereof, all compensations, except licenses, required to be paid by franchise or otherwise by ordinance to the city for the operation of ferries, wharves and other public service utilities pertaining to said Ship Channel, Turning Basin, and other navigable waters within this city shall be deposited in the city treasury to the credit of the fund to be known as the "Harbor Revenue Fund," and shall be kept separate and apart from other moneys of the city. Said board shall have the power, with the consent and approval of a majority of the City Council, to order and contract for the expenditure of all moneys in said fund as hereinafter provided. Moneys shall only be drawn from said fund in pursuance of an appropriation by the City Council and upon vouchers signed by the president or acting president of the board, and the secretary, and countersigned by the Mayor and City Controller, except that the City Council, at the time of fixing the general tax levy, may by ordinance apportion and set apart out of the moneys then in said Harbor Revenue Fund, an amount sufficient to meet all sums coming due for principal and interest, or interest or principal upon all outstanding harbor improvement bonds, before the time for fixing the next general tax levy, and the City Treasurer shall use the money so apportioned to make such payment, and for no other purpose; and if

there is a surplus remaining, the same shall forthwith be transferred into said Harbor Revenue Fund.

Excepting as may be herein provided, or as shall hereafter be determined by ordinance, none of the moneys in said Harbor Revenue Fund or in any fund authorized for the use of the Harbor Department, shall be appropriated or used for any purpose or purposes other than the following, to-wit:

First: For the necessary expenses of conducting the Harbor Department, operating any and all railroads, wharves, piers, docks, slips, quays, moles, landings, warehouses, and other utilities, steamships, ferry boats, pilot boats, tug boats, and other vessels and water craft belonging to the city and other works, appliances and utilities owned, operated or controlled by the city and pertaining to the water front, the Ship Channel, Turning Basin, or other navigable waters within the city.

Second: For the acquisition, construction, completion and maintenance of sea walls, embankments, bulkheads, wharves, ferries, docks, slips, quays, moles, landings, warehouses and other structures, steamships, ferry boats, pilot boats, and other vessels and water craft, and other appliances and utilities pertaining to the water front, Ship Channel, Turning Basin, and other navigable waters in the city; for the dredging, deepening, widening and cleaning of the waters and channels within the city limits, and for extraordinary improvements and betterments to the property under the management and control of said board, including also the purchase of necessary lands and other property.

Third: The payment, as above provided, of the installments of the interest or principal, or of interest and principal coming due on outstanding harbor improvement bonds. (Dec. 3, 1913, Ord. Bk. 3, p. 560, Sec. 15.)

Sec. 361. Reports by Board, of Revenues Collected and Disbursed—Said board shall submit to the City Council on the last day of February of each year hereafter, and on the first day of the following September of each year, a written report containing an itemized statement of all revenues collected and paid into the City Treasury from any source whatsoever during the last preceding six months, together with a statement of all disbursements during said period, and the purpose and character thereof, said statement to be a complete digest of all the acts of the board during the last preceding six months. (Id., Sec. 15-15a.)

ARTICLE 4.

PENALTIES.

Sec. 362. Penalty for Violation of Provisions of Chapter—It shall be unlawful for any person, firm or corporation to fail, refuse or neglect to comply with any of the provisions of this chapter, and any person, firm or corporation violating any of the provisions of this chapter, or refusing to obey or conform to any order of said Board of Harbor Commissioners, or any rule or regulation of said board with respect to the operation of any utility mentioned herein, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not more than Two Hundred Dollars (\$200.00). (Dec. 3, 1913, Ord. Bk. 3, p. 560, Sec. 15.)

ARTICLE 5.

WHARF MASTER.

Sec. 363. Creation of Office—That there is hereby created the office of Wharf Master of the City of Houston, with the powers and authority hereinafter defined. (Dec. 17, 1906, Ord. Bk. 2, p. 344, Sec. 1.)

Sec. 364. Appointment—There shall be one Wharf Master in the City of Houston, who shall be appointed by the Mayor and confirmed by the City Council. He shall hold his office at the will and pleasure of the Mayor, and said office may be vacated at any time at the pleasure of the Mayor or the City Council, or both. (Id., Sec. 2.)

Sec. 365. Compensation—The Wharf Master shall receive such compensation for his services as may be agreed upon by the Mayor and Council. (Sec. 3.)

Sec. 367. Duties; Authority—It shall be the duty of the Wharf Master, under the direction, supervision and control of the Board of Harbor Commissioners, to see to the enforcement of all ordinances of the City of Houston, either now passed, or which may hereafter be passed, affecting in any way the waters of Buffalo Bayou, or wharves or landing places upon said bayou, or the navigation thereof, and to see to the enforcement of all laws whatsoever affecting said matters; and all rights of regulation, control and inspection, which are vested in the City of Houston, shall be exercised by the said Wharf Master, under the direction and control of the Board

of Harbor Commissioners. The said Wharf Master is further vested with authority under direction, control and supervision of said board to control the loading or unloading of boats at said wharf, and to control the landing of boats at the wharves of Buffalo Bayou, and to designate when and how such loading or unloading or landing shall be done. (Id., Sec. 4.)

CHAPTER XX.

Health.

- Article 1.—Health Department.
2.—Board of Health.
3.—Health Officer.
4.—City Chemist and Bacteriologist, Etc.
5.—Nuisances.
6.—Stables.
7.—Barber Shops.
8.—Garbage, Etc.
9.—Swimming Pools and Natatoriums.
10.—Street Cars, Etc.
11.—Sewage.
12.—Privies, Vaults, Closets, Cess-pools, Etc.
13.—Physicians, Undertakers and Midwives.
14.—Contagious, Infectious and Pestilential Diseases.
15.—Milk and Milk Products; Regulation, Etc.; Sale Of.
16.—Milk and Milk Products; Regulation, Etc.; Sanitary Conditions, Etc.
17.—Ice Cream; Regulating; Manufacture, Etc.
18.—Pure Food and Drugs.
19.—Food Products; Regulating; Sanitary Conditions, Etc.
20.—City Market, Etc.; Regulating; Sanitary Conditions, Etc.
21.—Cold Storage; Regulations Governing.
22.—Milk and Food Products; Condemnations, Etc.
23.—Permits; Miscellaneous.
24.—Inspection; Miscellaneous.
25.—Construction.
26.—Vital Statistics.

ARTICLE 1.

HEALTH DEPARTMENT.

Sec. 368. Creation of; Duties of Members—That there is created a Health Department, the officers and employees of which being charged with the duty of enforcing all the ordi-

nances relating to "health," and such other duties as are now or may hereafter be placed upon them by the Mayor or City Council or by the ordinances. (Mar. 3, 1914, Ord. Bk. 4, p.—, Sec. 1.)

Sec. 369. Composition of Department—That the Health Department shall consist of the Board of Health, a Health Officer, an Assistant Health Officer, a City Chemist and Bacteriologist, a Milk Inspector, a Quarantine Inspector, a City Scavenger, a Superintendent of Garbage, a City Druggist, a Chief Sanitary Inspector, and such sanitary inspectors and employees as may be necessary and may be allowed by the Mayor and City Council. (Id., Sec. 2.)

Sec. 370. Creation of Offices—That there is created the office of Health Officer, Assistant Health Officer, City Chemist and Bacteriologist, Milk Inspector, Quarantine Inspector, City Scavenger, Superintendent of Garbage, Chief Sanitary Inspector and sanitary inspectors. (Id., Sec. 3.)

Sec. 371. Appointment of Officers and Employees—That the Health Officer shall be appointed by the Mayor and confirmed by the City Council; that the other officers and employees shall be appointed by the Mayor; that each and all of said officers shall, before entering upon the discharge of the duties of his office, take the constitutional oath of office. (Id., Sec. 4.)

Sec. 372. Health Officer; Official Bond—That the Health Officer shall be a duly and regularly licensed physician and surgeon in good standing and shall, before entering upon the discharge of the duties of his office, execute and deliver to the City of Houston, and thereafter when required so to do by the Mayor, a bond in the sum of Two Thousand Dollars (\$2000.00) payable to the said City of Houston, with at least three (3) good and sufficient sureties or a surety company authorized to do business in Texas, to be approved by the Mayor, conditioned that the said Health Officer shall faithfully perform and discharge all of the duties now or which may hereafter be required of him by law, or by the Charter or ordinances of the City of Houston, or by the Mayor or by the City Council, which said bond shall provide that all the conditions of same are to be performed in Houston, Harris County, Texas, and that any suit prosecuted and maintained thereon shall be prosecuted and maintained in said Harris County, Texas, and that in case of any recovery thereon, the obligors agree to pay

the expense incurred by or imposed upon the said City of Houston in or about the collection thereof, including a reasonable attorney's fee, and that said bond shall not become void until the whole amount thereof has been exhausted. (Id., Sec. 5.)

Sec. 373. Health Officer; Duties; Powers—That in addition to the duties imposed, and the powers and authority conferred, upon the Health Officer by the ordinances of the City of Houston, he shall perform the duty and exercise the powers as follows: He shall be the executive officer of the Board of Health and, as such, be charged with the enforcement of the ordinances of the City of Houston and the rules and regulations of the City and State Boards of Health relating to all matters of health; he shall, with the approval of the Mayor and City Council, the Board of Health and the Civil Service Commission, make such rules and regulations for the government and control of the officers and employees of his department as he may deem advisable, and as the head of the department shall have such direction, supervision and control of such officers and employees. He shall be authorized, with the approval of the Mayor, to suspend any officer or employee of the Health Department for insubordination or inattention to or neglect of duty, or violation of the ordinances or rules and regulations of the Board of Health until he has been removed, discharged or reinstated and during the time of such suspension, unless such officer or employee be reinstated without prejudice, he shall not be entitled to the pro rata portion of his salary. He shall keep a careful watch upon the drainage and sewage system of the city and promptly report to the Board of Health any needed changes for the promotion and maintenance of public health. He shall make a full report to the City Council once each month concerning the sanitary conditions of the city, with a statement of all deaths occurring in the city since the date of his last report; he shall supervise the operation of the garbage crematory as part of his department. (Id., Sec. 6.)

Sec. 374. Assistant Health Officer; Duties—That the Assistant Health Officer shall possess the same qualifications as the Health Officer, and shall perform and discharge such duties as are and may be prescribed by the ordinances, by the Board of Health and the Health Officer, and in the absence or inability of the Health Officer, discharge and perform the duties and exercise the authority of the Health Officer. (Id., Sec. 7.)

Sec. 375. City Chemist and Bacteriologist; Duties—That the City Chemist and Bacteriologist, also called City Pathologist, shall be a person skilled in the science of analytical chemistry and bacteriology, and a practical chemist, and he shall be charged with the duty of enforcing the ordinances regulating the sale, etc., and the sanitary conditions, etc., of milk and milk products; the manufacture of ice cream; the sale of pure food and drugs; the sanitary conditions, etc., of food products and, generally, of ordinances usually referred to as “pure food and drug ordinances”; and he shall also perform and discharge such other duties as are or may be prescribed by the ordinances, the Board of Health or the Health Officer, Mayor, or City Council. (Id., Sec. 8.)

Sec. 376. Milk Inspector; Duties—That the Milk Inspector shall be under the direction, supervision and control of the City Chemist and Bacteriologist, and shall be charged with the enforcement of all ordinances regulating the sale of milk and milk products; the sanitary condition of milk and milk products, and all other ordinances wherein he is specially named, and shall perform and discharge such other duties as he may be called upon to perform by the Board of Health, City Chemist and Bacteriologist, Health Officer, Mayor or City Council. (Id., Sec. 9.)

Sec. 377. Quarantine Inspector; Duties—That the Quarantine Inspector shall be under the direction, supervision and control of the Board of Health and the Health Officer, and shall perform such duties as he may be called upon to perform by it or him, or by the Mayor or City Council. (Id., Sec. 10.)

Sec. 378. City Scavenger; Official Bond; Duties; Powers; Authority—That the City Scavenger shall be under the direction, supervision and control of the Health Officer, and shall perform such duties under his direction and the direction of the Board of Health as are now or may hereafter be imposed upon him by the ordinances. The said City Scavenger shall enter into a bond payable to the City of Houston with three (3) good and sufficient sureties or a surety company authorized to do business in Texas, in the sum of Two Thousand Dollars (\$2000.00), to be approved by the Mayor, conditioned that he shall faithfully perform and discharge all of the duties now or which may hereafter be required of him by law, or by the Charter and ordinances of the City of Houston, or by the Mayor or by the City Council, or by the Board of Health, or by the Health Officer, and that he shall pay over and

properly account for all moneys received or collected by him or his department for the city. The said bond shall provide that all the conditions are to be performed in Harris County, Texas, and that suit thereon may be prosecuted and maintained in said Harris County, Texas, and that in case of a recovery thereon, the obligors agree to pay the expense incurred by, or imposed upon, the said City of Houston in or about the collection thereof, including a reasonable attorney's fee, and that said bond shall not become void until the whole amount thereof has been exhausted. He shall, with the approval of the Mayor and Health Officer, make suitable rules and regulations for the proper working of the scavenger carts or wagons and shall direct, control and supervise the work of the sanitary inspectors engaged in the scavenger work, and shall look after the upkeep and the care of the harness, tools and other equipment and animals of said department, and generally oversee and look after the proper working of the sanitary inspectors and other employees and carts and wagons in his branch of the Health Department. (Id., Sec. 11.)

Sec. 379. Superintendent of Garbage; Duties;—That the Superintendent of Garbage shall be under the direction, supervision and control of the Board of Health and the Health Officer, and he shall diligently superintend the works of both men and teams engaged in the removal of garbage and while so doing he shall carefully note the condition of streets, bridges and crossings throughout the city and report the same to the Street Commissioner, and shall perform such other duties as may be required of him by the Board of Health, Health Officer, Mayor or City Council. (Id., Sec. 12.)

Sec. 380. Chief Sanitary Inspector; Duties; Authority;—That the Chief Sanitary Inspector, or Chief Health Inspector, shall be the executive head of the sanitary inspectors, and under the direction, supervision and control of the Health Officer and the Board of Health; and shall have direction, supervision and control over them, with the exception of those engaged in the Scavenger branch; that he and the sanitary inspectors shall also perform and discharge such other duties as they may be called upon to perform by the Board of Health or the Health Officer; the Chief Sanitary Inspector shall have all the power and shall perform all the duties of a sanitary inspector. (Id., Sec. 13.)

Sec. 381. Sanitary or Health Inspectors; Duties; Authority; Badges; Definition Terms; Offense to Fail or Refuse

to Obey; Penalty; Bond of Those Working Under City Scavenger—That the sanitary inspectors, in addition to the duties which they are already charged with performing, and the authority conferred upon them by the ordinances and such other duties as they may be directed to perform by the Board of Health or Health Officer, shall perform and discharge the duties and exercise authority as follows:

(a) They shall have the right and it shall be their duty to enter upon the premises, dwellings and the outhouses of any and all persons of the City of Houston to inspect same and to enter the residences, dwellings, business houses or places of business, or houses of whatsoever nature where there are water connections, to inspect said water connections and premises generally, provided, that application be first made to the owner or occupant of said premises for permission to enter for the inspection of same, and to order the removal of any nuisance or any substance likely to create a nuisance or to be injurious to the public health, and to order any repairs necessary to prevent the waste of water, of any water connections in and upon said premises; said sanitary inspectors or health inspectors shall generally assist in enforcing the health ordinances and the adopted sanitary rules of the city, and shall be vested with all the powers of ordinary policemen or peace officers, with the right and privilege to make arrests for violations of law, and it is made their duty to make arrests in cases where other police officers of the City of Houston are authorized so to do, and shall perform such other duties as may be required of them by the Mayor or City Council of the City of Houston.

Upon refusal of any owner or occupant of any premises to allow any sanitary inspector or health inspector to enter same for the purpose of making any inspections, it shall be the duty of said sanitary inspector and health inspector to report said refusal, giving the name and city address of the occupant of said premises to the Water Commissioner, who is hereby, in addition to other penalties provided by the ordinances, empowered to discontinue the water supply of said owner or occupant so refusing to allow any inspection by a sanitary inspector.

(b) They shall wear a badge of the size and pattern now used by the police officers of said city, on which shall appear the words "Sanitary Police," together with the number of the badge engraved thereon.

(c) The terms "Sanitary Inspector," "Health Inspector" and "Sanitary Policeman" are used interchangeably and denote and indicate the same officers.

(d) That any person who shall fail or refuse to obey the orders of a sanitary inspector or health inspector, respecting the removal of a nuisance, or the cleaning of premises, or the cutting of weeds and grass as required in this Code of Ordinances, after due notice to do so has been given in writing to said person to remove such nuisance, or clean such premises, or cut such weeds and grass, shall, upon the expiration of 24 hours after the time specified in said written notice within which said work shall be done, be subject to a fine of not less than One Dollar (\$1.00) and not exceeding Ten Dollars (\$10.00); said fine to be imposed in the Corporation Court of the City of Houston, and each day's disobedience of such order or failure to clean such premises, remove the nuisance or cut the weeds and grass, as may be ordered, shall constitute a separate offense.

(e) That each sanitary inspector working under the City Scavenger shall make to him, at the close of each day, a report showing what premises he has inspected that day; and he shall also, each day, report to the City Scavenger and pay in to him, all money collected by him for the city; said report shall show the name and address of all persons from whom any money has been collected and for what purpose the money was collected. That such sanitary inspector so working under the City Scavenger shall enter into a bond in the sum of Five Hundred Dollars (\$500.00), payable to the City of Houston, executed, conditioned and payable in all respects as the bond required to be executed by the City Scavenger. Said bond shall also provide that if the City Scavenger is required to pay to the City of Houston any amount on account of money collected by said inspector and not paid into the city, then such City Scavenger, his heirs, assigns or bondsmen shall each have a cause of action for such amount so paid, on said bond and against the sureties thereon. (Id., Sec. 14.)

Sec. 382. City Druggist; Duties—That the City Druggist shall be a person skilled in the science of pharmacy and a practical pharmacist and druggist, and shall perform and discharge such duties as are now or may be prescribed by the Board of Health, or Health Officer, and shall fill the prescriptions of the Health Officer and, under the direction, supervision and control of the Health Officer, shall have charge of the City Dispensary; the keeping of all records and vital

statistics, and shall perform the duty of Chief Clerk to the Health Officer. (Id., Sec. 16.)

Sec. 383. Salaries of Officers and Employees—The monthly salaries of the officers and employees of the Health Department, beginning with the month of March, 1914, shall be as follows:

Health Officer	\$300.00
Assistant Health Officer.....	125.00
City Chemist and Bacteriologist.....	150.00
City Scavenger	150.00
Milk Inspector	115.00
City Druggist	115.00
Quarantine Inspector	115.00
Superintendent of Garbage.....	135.00
Chief Sanitary Inspector.....	125.00
Sanitary Inspectors	100.00
Garbage Inspector	100.00
Clerk of the Scavenger Division.....	100.00

Provided, that hereafter the salaries of Sanitary and Garbage Inspectors each shall be graduated and paid at the following rate on the following conditions: For the first twelve (12) months he shall receive \$75.00 per month, and if he be able to show a good report for obedience, attention to duty and efficiency, and can stand the necessary examination prescribed by the Civil Service Commission, he shall then be paid \$87.50 per month, and at the end of the next six months' period, if he is able to show a good report for obedience, attention to duty and efficiency, and can stand the required examination prescribed by the Civil Service Commission, he shall then be considered a "full fledged" inspector, and shall thereafter be entitled to be paid the sum of \$100.00 per month, provided that the employees now serving the city as garbage and sanitary inspectors will continue to receive during their service the sum of \$100.00 per month, but they will, nevertheless, be required to stand the examinations prescribed by the Civil Service Commission and be able to show a good report for obedience, attention to duty and efficiency required above. (Id., Sec. 16.)

Sec. 384. Compensation of Other Employees—That the compensation of all other employees of the Health Department shall be such as may be fixed by the Mayor and City Council from time to time. (Id., Sec. 17.)

Sec. 385. Bonds May Be Required of Other Officers and Employees—That the Health Officer and Mayor may require any officer or employee of the Health Department, handling, receiving or collecting moneys belonging to the City of Houston, to execute and deliver to the City of Houston a bond in such sum as they may deem proper and sufficient, which bond shall be payable to the City of Houston, with at least three (3) good and sufficient sureties or a surety company authorized to do business in Texas, to be approved by the Mayor and to contain the same conditions and provisions as are provided for in the case of the City Scavenger, and further conditioned, giving City Scavenger, or other officer responsible for the acts of such officer or employee, the same right of suit as provided in case of Sanitary Inspectors working under the City Scavenger. (Id., Sec. 18.)

Sec. 386. Payment of Fees and Money Received and Collected—That all fees or moneys collected or received by officers and employees of the Health Department or coming into their possession belonging to the City of Houston, shall be paid over to the Assessor and Collector of Taxes daily, and such daily and monthly reports made as are required by the ordinances. (Id., Sec. 19.)

Sec. 387. Sanitary or Health Code to Control This Article—That all ordinances and parts of ordinances in conflict herewith be and the same are hereby repealed, but it is not intended hereby to in any manner repeal or affect that certain ordinance establishing a sanitary and health code passed by the City Council on January 26th, A. D. 1914, but such ordinance is to remain in full force and effect, and this ordinance is only for the purpose of creating and organizing a Health Department, and in case of any conflict between it and said Health Code, the latter shall control and govern. (Id., Sec. 20.)

ARTICLE 2.

BOARD OF HEALTH.

Sec. 388. Creation; Composition; Appointment; Terms of Office; Health Officer, Ex-officio Member—There is hereby established for the City of Houston, Harris County, Texas, a Board of Health to consist of five representative physicians and one layman. No salary or other compensation shall be paid to members of said board. Four members shall constitute a quorum, but a less number may adjourn from time to time,

such adjourned meetings to have the same character as the original meeting would have had had it been held. Members of the said board shall be appointed by the Mayor, subject to confirmation by the City Commissioners, and shall hold office for the term of two years, provided, that after the passage of this ordinance, three members shall be appointed for one year, the other three for two years, as vacancies occur. Vacancies occurring in the board shall be filled by the Mayor for the unexpired term. The City Health Officer shall be ex-officio a member of the Board of Health with the same privileges as other members. (Jan. 26, 1914; Ord. Bk. 4, pp. 41 et seq., Sec. 1, Par. 1.)

Sec. 389. Meetings; Power to Make Orders at; Measures Preventing Spread Contagious Diseases; No Power to Create Liability Against City; Health Officer to Enforce Orders—

Said board shall hold at least one regular meeting each month, at such time and place as they may decide, and shall from time to time hold such special meetings as they may deem necessary and shall have power at such meetings to make all orders as they deem necessary for the maintenance of the public health, for cleansing or discontinuance of all groceries, breweries, cellars, factories, tanneries, stables, barns, privies, vaults, cess-pools, sewers, wells, slaughter houses, butcher shops, rendering and boiling establishments, pig pens, and all other nauseous or offensive buildings and structures, and the suppression and abatement of all nuisances, whether upon public grounds or private premises, affecting or endangering, in the opinion of the said board, the public health; take all necessary measures to prevent the spread of contagious diseases by requiring any and all persons to be vaccinated, by the fumigation or destruction of infected buildings, and by the destruction of infected bedding and clothing.

Provided, that no debt or liability against the city shall be incurred by said Board of Health unless the same be expressly authorized by the Mayor and Commissioners, by ordinance duly passed for that purpose. All orders of said board shall be executed and enforced by the City Health Officer in person or in his name, or under his authority, by any patrolman or policeman of the city or by the sanitary inspectors. (Id., Sec. 1, Par. 2.)

Sec. 390. City Secretary or Deputy to Keep Records, Etc.; Board to Elect President and Vice-President—The City Secretary, or his deputy, shall be secretary of the Board of

Health, and shall keep a full record of all acts, orders, resolutions, rules, regulations and proceedings of said board. The board shall at its first meeting, after the first of May in each year, elect from their number a president and vice-president, who shall hold office for the period of one year, or until their successors are elected and installed. (Id., Sec. 1, Par. 3.)

Sec. 391. Committee on Public Charities; Rules and Regulations of; Monthly Report by Institutions Rendering Services—The president and two members of said Board of Health shall act as a Committee of Public Charities, and said committee shall prescribe such rules and regulations as they may deem proper, subject to the approval of the Mayor and Commissioners concerning the admission and care of patients to be maintained by city appropriations in the charitable institutions of the city. And said committee shall require of all institutions receiving city appropriations a monthly report setting out the services rendered to said city patients. (Id., Sec. 1, Par. 4.)

Sec. 392. Orders of, Executed by Health Officer and Assistants—The Health Officer of the city and his assistants shall execute the orders of the Board of Health, and the Health Officer shall be ex-officio a member of the board. (Id., Sec. 1, Par. 5.)

Sec. 393. Shall Make Orders and Regulations for Government of—The Board of Health shall make such orders and regulations as it may deem necessary for its own government. (Id., Sec. 1, Par. 6.)

Sec. 394. President Shall Appoint Standing Committees—The president shall appoint such standing committees as the needs may require. (Id., Sec. 1, Par. 7.)

Sec. 395. Specific Duties of—The specific duties of the Board of Health shall be:

(a) The prevention and abatement or suppression of nuisances.

(b) Supervision of the collection and disposal of garbage and rubbish, and shall enforce the city ordinances concerning the collection and disposal of night soil.

(c) Control of contagious and communicable diseases.

(d) Preservation and classification of vital statistics.

(e) The supervision of the water and food supply of the city. (Id., Sec. 1, Par. 8.)

ARTICLE 3.

HEALTH OFFICER.

Sec. 396. Executive Officer, Etc.; Duties—Subject to the approval of the City Council and the Board of Health, the Health Officer, as executive officer of the board, shall enforce the rules and regulations of the local and State Boards of Health. He shall supervise the work in each branch of the Department to the end of securing the best public service. He shall, personally, visit the market house and private markets, stock yards, slaughter houses, restaurants, bakeries, etc., to keep in touch with actual conditions, that he may better direct the work of the inspectors. He shall exact a daily report from each official of all work done outside of the office. He shall make special investigations as to the general sanitary conditions, and he shall report to the Mayor and the Board of Health in July and January upon such investigations, the same to include housing of the poor, offensive trades, pollutions of streams, and like matters of sanitary interest. He shall institute prosecutions under direction of the City Attorney for violation of any provision of the sanitary code of the State of Texas or of the City of Houston. (Jan. 26, 1914; Ord. Bk. 4, pp. 41 et seq., Sec. 2, Par. a.)

Sec. 397. Supervisor of Laboratory and Office Work—He shall have supervision of the laboratory and office work. (Id., Sec. 2, Par. b.)

Sec. 398. Harris County Tuberculosis Assn., Etc.—He shall obtain and keep on file monthly reports from the Harris County Tuberculosis Association, and all other charitable institutions within the city, from the crematory contractor or operator, from the Supervisor of Hygiene of Schools, and he shall embody the material portions of all reports in his monthly report to the board. (Id., Sec. 2, Par. c.)

Sec. 399. Dairies, Etc., Power to Grant or Refuse Permits for—He shall, subject to the approval of the City Council, grant or refuse to grant permits to establish or conduct dairies, restaurants, bakeries, meat shops, or any other business involving the preparation or sale of food. (Id., Sec. 2, Par. d.)

Sec. 400. Nuisances, Duties and Powers With Reference to—He shall, whenever it is ascertained that any nuisance or other condition detrimental to the public health exists on any

premises, or in any building or other place, serve written notice upon the owner, occupant, or other person in charge of such premises, building or other place, to abate or remove said nuisance or condition within a reasonable time, such time to be stated in said notice, and, upon refusal or neglect to obey orders, he shall take such steps as shall be provided in this Code to secure the enforcement of the order. (Id., Sec. 2, Par. e.)

Sec. 401. Permits, Shall Revoke When—The Health Officer shall, at the direction of the Board of Health, or the Mayor, revoke any permit to any person who has failed or refused to comply with the requirements of the provisions of the sections relating to the performance of the act for which the permit was issued. (Id., Sec. 2, Par. f.)

Sec. 402. Record Inspections and Analyses—The Health Officer shall keep and file suitable records of all inspections and analyses provided for in this chapter. (Id., Sec. 2, Par. g.)

Sec. 403. Hospitals, Etc., Shall Visit; Duties With Reference Thereto—The Health Officer shall visit all public wards of the hospitals in the city at least once in each month and oftener if necessary, and he shall note in each: Overcrowding, food, cleanliness, ventilation and attention, and he shall record, report and file such notes. He shall visit the eruptive (isolation) hospital at least once in each month, or as often as shall be necessary, and he shall record, report and file his notes of each visit. (Id., Sec. 2, Par. h.)

Sec. 404. Reports to Board of Health—The Health Officer shall make monthly report to the Board of Health of all work done by the Health Department. (Id., Sec. 2, Par. i.)

Sec. 405. General Duties—The Health Officer shall perform all other acts necessary to the proper enforcement of the several sections of this chapter. (Id., Sec. 2, Par. j.)

Sec. 406. Vaccine, Anti-Toxins and Serums; Vaccination and Administration—He shall keep on hand at all times a sufficient quantity of good vaccine matter, and vaccinate all individuals presenting themselves for the purpose, and also keep on hand a sufficient supply of anti-toxins and serums as have proven efficacious in treatment, as his judgment, or the judgment of the Board of Health, shall determine to be advisable, and shall administer the same when necessary, free of charge. All such vaccines, anti-toxins and serums to be purchased at the cost of the city. (Id., Sec. 2, Par. k.)

ARTICLE 4.

CITY CHEMIST AND BACTERIOLOGIST, ETC.

Sec. 407. City Chemist and Bacteriologist—(a) The City Bacteriologist and Chemist shall make such bacteriological and chemical examinations as may be directed by the Mayor, City Health Officer or City Board of Health. These shall include examinations for diphtheria, typhoid fever, tuberculosis, meningitis, and such other contagious diseases, and shall examine the water supply, milk and ice cream, meat, fish and other foods of the city as directed.

(b) He shall be furnished with a well equipped laboratory at the cost of the city. (Jan. 26, 1914; Ord. Bk. 4, p. 41 et seq., Sec. 2, Par. 2.)

Sec. 408. The Harris County Tuberculosis Society—The Harris County Tuberculosis Society shall make monthly reports to the Health Officer of work done within the city. (Id., Sec. 2, Par. 3.)

Sec. 409. The Supervisor of Hygiene of Schools—The Supervisor of Hygiene of Schools shall make monthly reports to the Health Officer. (Id., Sec. 2, Par. 4.)

ARTICLE 5.

NUISANCES.

Sec. 410. General Definition—Whatever is dangerous to human health, whatever renders the ground, the water, the air, or food a hazard or an injury to human health, is hereby declared to be a nuisance, and the following specific acts, conditions and things are, each and all of them, hereby prohibited and made unlawful. (Jan. 26, 1913; Ord. Bk. 4, pp. 41 et seq., Sec. 3.)

Sec. 411. Specific Nuisances; Foul, Decaying or Putrescent Substances, Etc.; Overflow from Foul Liquids; Escape of Gases—The deposit or accumulation of any foul, decaying or putrescent substance or other offensive matter, in or upon any lot, street or highway, or in or upon any public or private place; the overflow of any foul liquids, or the escape of any gases to such an extent that the same, or any one of them, shall become, or be likely to become, hazardous to health; or that the same shall, by reason of offensive odors, become a source of discomfort to persons living or passing in the vicinity thereof. (Id., Sec. 3, Par. 1.)

Sec. 412. Specific Nuisances; Polluted Wells, Etc.—A polluted well, or cistern, spring or stream, or the pollution of any body of water used for drinking purposes. (Id., Sec. 3, Par. 2.)

Sec. 413. Specific Nuisances; Privy Vaults, Etc.—The maintenance of any privy vault or cesspool, except as provided in this chapter. (Id., Sec. 3, Par. 3.)

Sec. 414. Specific Nuisances; Buildings or Rooms; Uncleanliness or Crowding; Cubic Feet of Air—Keeping any building or room in such a state of uncleanliness or the crowding of persons in any building or room in such a manner as to endanger the health of the persons dwelling therein, or so that there shall be less than four hundred (400) cubic feet of air to each adult, and one hundred and fifty (150) cubic feet of air to each child under twelve years of age occupying such building or room. (Id., Sec. 3, Par. 4.)

Sec. 415. Specific Nuisances; Cellars as Sleeping Rooms—Allowing cellars to be used as sleeping rooms. (Id., Sec. 3, Par. 5.)

Sec. 416. Specific Nuisances; Buildings, Etc., as Dwellings, Not Lighted, Etc., by One Window; Not Supplied Pure Water—A building or portion of a building occupied as a dwelling which is not lighted and ventilated by means of at least one window in each room, said window opening to the outer air; which is not provided with a plentiful supply of pure water. (Id., Sec. 3, Par. 6.)

Sec. 417. Specific Nuisances; Accumulation Manure—The accumulation of manure, unless it be a properly constructed pit or receptacle. (Id., Sec. 3, Par. 7.)

Sec. 418. Specific Nuisances; Accumulation Water, Breeding Mosquitoes—The accumulation of water in which mosquito larvae breed. (Id., Sec. 3, Par. 8.)

Sec. 419. Specific Nuisances; Roller Towels in Public Places Used More Than One—The maintenance, in a public place, of a roller towel for the use of more than one person. (Id., Sec. 3, Par. 9.)

Sec. 420. Specific Nuisances; Slopping, Etc., Cattle, Etc., on Distillery Swill, in Sanitary Limits Unless—The slopping or feeding of cattle or other animals on distillery swill, within the sanitary limits of the city, unless the enclosure wherein such slopping or feeding is done be provided with means*for

preventing and removing the unsanitary conditions associated with such slopping or feeding. (Id., Sec. 3, Par. 10.)

Sec. 421. Specific Nuisances; Penalties—Any person, firm, corporation or agent who causes, suffers or permits any nuisance as defined in the next preceding ten sections shall be deemed guilty of an offense, and shall, upon conviction, be fined not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00), and each day's continuance of any such nuisance or condition shall be a separate offense.

Sec. 422. Burials in Potter's Field Prohibited—The burial of dead bodies in what is known as the "Potter's Field," in the City of Houston, Harris County, Texas, is hereby declared a nuisance, and unlawful, and any and all persons, firms, associations of persons, private and municipal corporations, are prohibited from burying dead bodies in said "Potter's Field."

Sec. 423. Penalty—Any person, firm, association of persons, private or municipal corporations violating the next preceding section shall, upon conviction, be fined in any sum not less than Fifty Dollars (\$50.00) and not exceeding Two Hundred Dollars (\$200.00).

Sec. 424. Stagnant Water, Standing, Etc.; Penalty—All owners of yards, lots, blocks or other grounds within the City of Houston, and all persons renting or leasing any lots; yards, blocks or other grounds within the City, are forbidden to suffer stagnant water to stand or remain on any of said premises, and it shall be unlawful to allow water to accumulate and remain standing upon said premises for a longer period than three (3) days, unless the same shall be treated with crude carbolic acid in the proportion of one pint to the barrel, or petroleum or other germicide approved by the Health Officer of the City of Houston.

Any person violating any of the provisions of this section shall, upon conviction, be fined not less than Five Dollars (\$5.00) nor more than Twenty Dollars (\$20.00) for each offense, and each day any person suffers water to stand upon said premises contrary to the provisions of this section shall constitute a separate offense. (Amendment Art. 394, Aug. 9, 1905; Ord. Bk. 2, p. 229, Sec. 1.)

Sec. 425. Screening, Etc., of Cisterns, Etc.; Penalty—That it shall be unlawful to own, use, keep or maintain, in the City of Houston, any cistern or other receptacle for the

storing of or that contains water, or in which water is kept for more than three days, without having the top of such cistern or other receptacle closed over securely by a cover of wood or other durable material, or by a wire screen or wire gauze or cloth netting, or by both, such cover and wire screen or wire gauze and cloth netting so constructed and adjusted as to prevent any mosquitoes from entering into or having access to the water in such cistern or other receptacle, or from coming in contact with the water therein. Any person or persons who shall use, keep or maintain any cistern or other receptacle for the storing of, or that contains water, or in which water is kept for more than three days, within the City of Houston, without having the same covered or screened, as herein provided, shall, upon conviction, be fined not exceeding Ten Dollars (\$10.00) for each violation thereof, and every day that such cistern or other receptacle shall remain without such covering or screening shall constitute a separate offense. (July 31, 1905; Ord. Bk. 2, p. 228, Sec. 1.)

Sec. 426. Construction Preceding Section—Nothing in the preceding section shall be construed to require the covering over and screening of cisterns or other receptacles containing water kept for fire extinguishing purposes, provided, the water therein contained shall be mixed with crude carbolic acid in the proportion of one pint to the barrel, or other germicide approved by the Health Physician of Houston, so as to prevent the breeding of mosquitoes in said water. Nor shall such section be construed to require the covering over or screening of fish tanks or other vessels containing water used for the keeping of fish, provided, the water in such tanks or other vessels shall be supplied with small fish in sufficient numbers to devour or destroy all the eggs and larvae of the mosquitoes. Nor shall such section be construed to require the covering over or screening of fountains, stock troughs or other vessels kept for animals to drink out of, provided, said troughs or other vessels are emptied and cleaned at least once in three days, or the water therein is kept supplied with small fish in sufficient numbers to devour or destroy mosquito eggs or larvae therein. (Id., Sec. 2.)

Sec. 427. Owners of Lots, Etc., Must Have Grass and Weeds Cut; Penalty—It shall be the duty of every owner or occupant of any lot or parcel of ground within the limits of the city to keep the same free of and clear from weeds and tall grass, and also to keep the sidewalks in front of and around the same free and clear from weeds and tall grass from the

line of said lot or parcel of ground to the established curb line next adjacent thereto, and any person who shall fail or neglect to comply with the provisions of this section within twenty-four hours after being notified to do so by the Mayor, Health Officer, any Health Inspector, Chief of Police, or any policeman, either in person or by postal card, shall be punished by a fine of not less than ten nor more than one hundred dollars, and each day's delay after such notice shall have been given shall be deemed a separate offense. (Code 1904, Art. 380.)

Sec. 428. Duty of Health Officer to Have Weeds, Etc., Destroyed; Disposition of Fines—It shall be the duty of the Health Officer to cause to be cut down all weeds and other annual growth in the streets, ditches and street crossings within the limits of the city, and to have such weeds and annual growth gathered together and burned as soon as the same can be burned. (Id., Art. 381.)

Sec. 429. Spitting on Sidewalks, Etc., Prohibited—The spitting upon sidewalks, cross walks, the floors of churches, public halls, theatres, street cars or other public places, is hereby declared a nuisance. Provided, the spitting in and upon the streets is not hereby included in the words "other public places," but only "other public places" of the character specifically enumerated. (Id., Art. 387.)

Sec. 430. Penalty—Any one violating any of the provisions of the next preceding section shall, upon conviction, be fined not less than one nor more than one hundred dollars for each and every such violation. (Id., Art. 389.)

ARTICLE 6.

STABLES.

Sec. 431. Screened Receptacle to Be Maintained, Etc., Into Which Manure Must Be Placed—Every person, firm, corporation or agent, owning or leasing any stable or other building where any horse, mule or any cattle are kept, shall maintain a substantial and sufficient receptacle which must be so constructed and kept as to protect the contents from rain, and to be so screened as to prevent access to flies, and all manure from such horse, mule or cattle must be placed in such receptacle. (Jan. 26, 1914; Ord. Bk. 4, pp. 41 et seq., Sec. 4, Par. 1.)

Sec. 432. Removal Manure From, Where More Than Six Head, How Often, Etc.; Manure Shall Not Be Thrown in Al-

ley, Etc.—All persons owning or leasing any stable where more than six head of horses, mules or cattle are kept shall have all manure from such animals removed from their premises twice in each week, from the first of May to the thirtieth of September, and at no time shall the same be allowed to accumulate in such a manner as to be a nuisance. In no event or circumstance shall any manure be thrown or deposited in any alley, street or public place, or suffered to remain in such places. (Id., Sec. 4, Par. 2.)

Sec. 433. Shall Be Kept in Clean Condition—Every owner or lessee of any stable shall at all times keep or cause to be kept, the building and premises in a clean and sanitary condition. (Id., Sec. 4, Par. 3.)

Sec. 434. In Hauling Manure Shall Not Allow Litter Streets—No person hauling manure through the streets shall permit the same to litter the streets. (Id., Sec. 4, Par. 4.)

Sec. 435. Penalty—Any person, firm, corporation or agent violating any of the next four preceding sections shall upon conviction be fined not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00), and each day's continuance of any such nuisance or condition shall be a separate offense. (Id., Sec. 4, Par. 5.)

ARTICLE 7.

BARBER SHOPS.

Sec. 436. Regulations Governing; Copy This Section to Be Posted in—Every barber's shop within the City of Houston shall be open to this board for inspection at any time, and the following rules shall be observed therein:

(a) All barber shops, together with all furniture, shall be kept in a clean and sanitary condition.

(b) Mugs, razors, scissors, clipping machines, pincers, needles and other instruments shall be sterilized in such manner as may be required by the Health Officer, after each separate use. Combs, brushes and shaving brushes shall be sterilized as may be required by the Health Officer, all hot towels used in shaving shall be first thoroughly sterilized before using.

(c) Clean towels shall be used for each person.

(d) All material used to stop the flow of blood shall be applied on a clean towel, or other clean cloth.

(e) The use of powder puffs and sponges is prohibited, except that a sponge or puff owned by a customer may be used on him.

(f) Every barber shall thoroughly cleanse his hands immediately before serving each customer.

(g) Every barber's shop shall be well ventilated and provided with hot and cold water.

(h) No barber's shop shall be used as a sleeping room. No person shall be employed or shall operate as a barber who has any communicable disease.

(i) A copy of this article shall be posted in plain view in every barber's shop. (Jan. 26, 1914; Ord. Bk. 4, pp. 41 et seq., Sec. 5, Par. 1.)

Sec. 437. Penalty—Any person, firm, corporation, or agent violating any provision of the next preceding section, or who shall suffer, cause or permit the happening or occurring of any of the things mentioned in said next preceding section, shall be guilty of an offense and shall, upon conviction, be fined not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00), and each day's continuance of any such nuisance or condition shall be a separate offense. (Id., Sec. 5, Par. 2.)

ARTICLE 8.

GARBAGE, ETC.

Sec. 438. Portable Vessels, Etc., for Reception—It shall be the duty of every resident, householder, tenant, hotel keeper, boardinghouse keeper, retail dealer, or agent of such persons, and all parties or persons occupying dwellings within the City of Houston, to provide, or cause to be provided, and at all times to keep, or cause to be kept, portable vessels or tanks for holding garbage, said vessels or tanks to be perfectly water-tight, and provided with handles on the outside and a closely fitting cover, which cover shall not be removed except when absolutely necessary. Said vessels or tanks shall be kept in the rear of the premises, or in passageways most accessible to the collector, and shall be of capacity of not more than two bushels. All such vessels, where not easily accessible, shall be promptly delivered to the collector when called for, and shall be returned by him to their respective places without unnecessary delay, and no person shall in any manner interfere with said vessels or tanks, or the contents thereof, except those author-

ized for such duty. (Jan. 26, 1914; Ord. Bk. 4, pp. 41 et seq., Sec. 8, Par. 1.)

Sec. 439. What Shall Not Be Deposited in Vessels; When Collector May Refuse to Take—No resident, householder, tenant, hotel keeper, boardinghouse keeper, or agent of such person, or any other persons shall deposit in the garbage vessel or tank, any ashes, tin from roofs, old gutters, scrap iron, dead yard fowls, dogs, cats or other animals, or night soil, and the collector shall refuse to collect such garbage or dead animals until all such refuse matter has been removed therefrom, and the collector shall report at once to the Health Officer all such offenses. (Id., Sec. 8, Par. 2.)

Sec. 440. Accumulation Manure, Etc., Prohibited—No manure or putrescible matter of any kind shall be permitted to accumulate in such a way as to become offensive or objectionable. (Id., Sec. 8, Par. 3.)

Sec. 441. Rubbish to Be Removed Daily; How—Rubbish shall be removed from all business premises every day, and as often as deemed necessary by Health Officer in residence district. (Id., Sec. 8, Par. 4.)

Sec. 442. Garbage, Etc., Not to Be Deposited, Etc., on Street, Etc.; Violation by Owner—No garbage, ashes, or rubbish shall be thrown or deposited in any street or alley, and the presence of such upon any street or alley shall be held to constitute a violation of this section on the part of the owner or occupant of the property upon whose half of the street or alley such garbage, ashes or rubbish is permitted to lie for twenty-four hours. (Id., Sec. 8, Par. 5.)

Sec. 443. Penalty—Any and every person, firm, corporation or agent failing to perform the duties required of him, or to comply with the provisions of the next five preceding sections shall, for every offense, upon conviction, be subject to a fine of not less than Five Dollars (\$5.00) nor more than Fifty Dollars (\$50.00), and each day's continuance of any such nuisance or condition shall be a separate offense. (Id., Sec. 8, Par. 6.)

Sec. 444. Garbage Receptacles When Placed—Garbage receptacles, for ashes, refuse and trash to be removed by the garbage collector, shall be placed on the sidewalk, next to the curb, not later than 7 o'clock each morning except Sundays. The garbage carts shall begin their rounds not earlier than 7 o'clock a. m. each day. (Code 1904, Art. 447.)

Sec. 445. Penalty—Any person who shall violate any of the provisions of the next preceding section shall be fined not less than Five nor more than Twenty-five Dollars. (Id., Art. 448.)

Sec. 446. Quantity Garbage Removed Free of Cost; Charges for Balance—That there shall be removed from each place where garbage accumulates, free of cost to the owner, tenant, occupant or lessee thereof, all garbage accumulated within 36 hours, provided it does not exceed in quantity two (2) barrels of 42 gallons each capacity; all garbage in excess of two barrels shall be removed at the expense of the owner, tenant, occupant or lessee at a price not to exceed twenty-five cents per barrel. (Aug. 9, 1905; Ord. Bk. 2, p. 330, Sec. 2.)

Sec. 447. Penalty—That any person who shall violate any of the provisions of the next preceding section by failing or refusing to pay fees for removal of excess garbage, shall be fined not less than Five nor more than Twenty-five Dollars, and each day shall constitute a separate offense. (Id., Sec. 3.)

Sec. 448. Hauling of Slops or Kindred Matter Over the Streets of the City of Houston Between Certain Hours, and Penalty—The hauling of slops or kindred matter over the streets of the City of Houston, Harris County, Texas, between the hours of 6 o'clock a. m. and 7 o'clock p. m. is hereby prohibited, and any person, firm or corporation so doing between said hours is guilty of an offense, and, upon conviction, shall be fined in any sum not exceeding Fifty Dollars. (Code 1904, Art. 453.)

ARTICLE 9.

SWIMMING POOLS AND NATATORIUMS.

Sec. 449. Regulations, Etc., This Article to Be Complied With; Duty Board of Health to Enforce—It shall be, and it is hereby declared, unlawful for any person, firm, corporation or agent to conduct, manage, or maintain any natatorium, swimming pool, or tank in the City of Houston, or for any person to bathe in, or use any such natatorium, swimming pool or tank without complying with all the requirements, rules and regulations in this article contained for the protection and safety of the health and lives of the patrons of such natatoriums, pools or tanks. The Board of Health of the City of Houston, or their duly authorized agents, are hereby charged

with the enforcement of the provisions of this article. (Jan. 26, 1914; Ord. Bk. 4, p. —, Sec. 6, Par. 1.)

Sec. 450. How Often Cleaned and Emptied—All pools or tanks shall be thoroughly cleansed at least once each week in a manner and by the use of such disinfecting agents or cleansing materials as may be required by the Board of Health, and all such pools or tanks shall be emptied and the water therein completely changed at least twice each week. (Id., Sec. 6, Par. 2.)

Sec. 451. Sides and Bottoms to Be White—The sides and bottoms of all pools or tanks shall be white, so that objects may be clearly seen, so far as possible in all portions of the pool or tank. (Id., Sec. 6, Par. 3.)

Sec. 452. Intoxicated Persons and Those Afflicted With Certain Diseases Not to Be Permitted to Use—No intoxicated person, or one afflicted with tuberculosis, abscesses, venereal or other infectious or contagious disease, shall use or be permitted to use any swimming pool or tank. (Id., Sec. 6, Par. 4.)

Sec. 453. Person Before Entering to Thoroughly Cleanse the Body, Etc.—All persons before entering any public swimming pool or tank shall be required to thoroughly cleanse the body through the use of the shower or other similar device maintained and used for such purpose. (Id., Sec. 6, Par. 5.)

Sec. 454. Changes in Construction; How and When Made—That all the provisions of this article requiring changes or alterations in construction in natatoriums, swimming pools, or tanks, and the installation of filters, shall be carried out as required by the Board of Health, but all such changes, alterations and installations must be made and fully completed and installed within six months from the time of the taking effect of this article. (Id., Sec. 6, Par. 6.)

Sec. 455. Hereafter Plans for, to Be Approved by Board of Health—That hereafter, before the construction of any natatorium, swimming pool or tank, the plans and specifications for such structure shall be submitted to, and approved by, the Board of Health before a permit therefor shall be issued by the building department. (Id., Sec. 6, Par. 7.)

Sec. 456. Smoking and Chewing Tobacco Forbidden Around Tank, Etc.; Spitting, Etc., in Water of, Prohibited; Signs to Be Posted—No patron, attendant, instructor or other person while bathing, or while engaged or working in or about

any pool or tank shall smoke or chew tobacco in any form, and it shall be unlawful for any person to expectorate in the water of any tank or pool, or to blow the nose therein, or in any other place than in cuspidors provided for such purpose, and conspicuous signs shall be posted in all such natatoriums, pools or tanks calling attention to the fact that spitting is prohibited except in cuspidors and showing the places where such cuspidors are located. (Id., Sec. 6, Par. 8.)

Sec. 457. Copy This Article to Be Posted, Etc.—That a copy of this article shall be posted and kept in a conspicuous place in all natatoriums, swimming pools and tanks for the guidance and information of the public and patrons of such places. (Id., Sec. 6, Par. 9.)

Sec. 458. Penalty—That any person, firm, corporation or agent violating or failing to comply with any of the provisions of this article shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00). (Id., Sec. 6, Par. 10.)

ARTICLE 10.

STREET CARS, ETC.

Sec. 459. Shall Be Cleaned Daily—All city and interurban cars shall be thoroughly cleaned once each day, and shall be kept in a sanitary condition. (Jan. 26, 1914; Ord. Bk. 4, pp. 41 et seq., Sec. 7, Par. 1.)

Sec. 460. Penalty—Any person, firm, corporation or agent violating the next preceding section shall, upon conviction, be fined not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00), and each day's continuance of any such nuisance or condition shall be a separate offense. (Id., Sec. 7, Par. 2.)

ARTICLE 11.

SEWAGE.

Sec. 461. Connections With Sewers by Buildings, Etc., Within 300 Feet; Penalty—Every building situate on any street in the City of Houston where there is a public sanitary sewer supplied with water, shall be connected with said sewer in accordance with the ordinances of the city governing such connections, so that all sewage from the premises shall empty into the sewer, provided, that such building is used, or intended to be used, as a dwelling, or in which persons are em-

ployed, or intended to be employed, in any manufacture, trade or business. It is hereby made the duty of each owner of any such building to cause the same to be connected with any public sewer. The property owners, who own real property within the distance of three hundred (300) feet of any public main or lateral sewer shall, upon notice in writing to do so from the City Health Officer, make proper and permanent sewer connections with said sewers, and remove all surface privies and cesspools; and any person owning such real property who, after being given reasonable notice by order of the City Health Officer, shall fail to connect with said sewers, or remove or fill such privies or cesspools, shall be punished by a fine of not less than Five Dollars (\$5.00) nor more than Fifty Dollars (\$50.00), and each day such failure shall continue shall constitute a separate offense. (Jan. 26, 1914; Ord. Bk. 4, pp. 41 et seq., Sec. 9, Par. 1.)

ARTICLE 12.

PRIVIES, VAULTS, CLOSETS, CESSPOOLS, ETC.

Sec. 462. Where No Sewer Connections, Must Be Privies With Water-Tight Boxes Above Ground—All buildings not connected with sewers, used as residences and occupied by one family, shall be provided with a privy located at a point accessible to scavenger wagons and carts, and all parties having a privy or closet on their premises, are required to have suitable water-tight boxes or receptacles overground to receive the night soil or human excrement. (Jan. 26, 1914; Ord. Bk. 4, pp. 41 et seq., Sec. 10, Par. 1.)

Sec. 463. Privies, Distance From Streets and Party Lines—No privy or closet shall be constructed within twenty feet of any street, except it be an alley, or within three feet of any party line, or within twenty-five feet of any window or door of a residence. (Id., Sec. 10, Par. 2.)

Sec. 464. One Privy for Each Family; Lodging Houses, Etc., One for Each Ten Persons; Capacity of Boxes—All buildings, not connected with sewers, used as tenement or apartment houses, and occupied by more than one family, shall be provided with one privy or receptacle to receive the night soil or human excrement for each family. All buildings not connected with sewer, and used as lodging houses, hotels or boarding houses, and all such buildings where persons work or are employed, shall be provided with not less than one seat and box or receptacle for each ten persons usually employed or lodged in such building. All closet boxes or receptacles shall have a

holding capacity of not less than four cubic feet, preferably one foot deep, one foot wide and four feet long. (Id., Sec. 10, Par. 3.)

Sec. 465. Penalty—Any person violating either of the next three preceding sections shall be fined in any sum not less than One Dollar (\$1.00) nor more than Fifty Dollars (\$50.00). (Id., Sec. 10, Par. 4.)

Sec. 466. Old Vaults, Etc., Not to Be Connected With Sewer; Filling of Vaults—No old vault, cesspool, or septic tank shall be connected with a sewer. Vaults existing on premises abutting city sewer, and provided with city water, shall be cleaned within at least four feet from the surface and filled with earth and ashes or lime and its use discontinued. (Id., Sec. 10, Par. 5.)

Sec. 467. City Scavenger, Etc., Only to Remove Night Soil, Etc.; Penalty—It shall be unlawful for any person other than the City Scavenger, or those in his employ, to engage in the removal of night soil or pumping or otherwise cleaning any vault, cesspool or septic tank in the city, and any person so offending shall be fined not less than Ten Dollars (\$10.00) nor more than Fifty Dollars (\$50.00) for each offense. (Id., Sec. 10, Par. 6.)

Sec. 468. Fees for Work; Notice to Pay Fees—That said City Scavenger shall be allowed to charge the following rates and no more: For one barrel, one dollar; for any fraction of a barrel, seventy-five cents; for any fraction of a barrel, over one barrel, seventy-five cents. A barrel as used in this article is defined to contain thirty gallons. Said fees to be payable in advance, and each sanitary inspector, wearing the badge of his office, is hereby authorized at the time of the inspection and condemnation of a closet or privy to determine the fee therefor and collect the same, issue a receipt therefor, and in case an occupant or owner is absent or not prepared to pay said fee at that time, the said sanitary inspector shall deliver to said owner or occupant, or leave on said premises, a notice to such owner or occupant to call at the City Scavenger's office within five days from said date and pay the fee named therein in advance. (Id., Sec. 10, Par. 7.)

Sec. 469. Fees for Pumping Cesspools, Etc.—The charges for pumping cesspools and septic tanks shall be fifty cents per barrel of thirty gallons for first ten barrels, and twenty-five cents per barrel for each barrel thereafter at any one pumping out. (Id., Sec. 10, Par. 8.)

Sec. 470. Penalties to Be Collected for Failure to Pay—

If the above charges are not paid to the inspector or to the City Scavenger at his office within the five days, as above provided, or to the wagons when they come, a penalty of twenty-five cents will thereafter be collected for each barrel or fraction of a barrel as shown on inspector's list. (Id., Sec. 10, Par. 8.)

Sec. 471. Penalty; City Scavenger May Look Wholly to Landlord—Any person who refuses or fails to pay the City Scavenger for the removal of night soil, the rate fixed by law for such removal, shall, upon conviction, be fined not less than One Dollar (\$1.00) nor more than One Hundred Dollars (\$100.00). The City Scavenger, in the collection of the above fees for the removal of night soil, shall have the right to look wholly to the landlord and not to the tenant, if he sees fit. (Id., Sec. 10, Par. 10.)

Sec. 472. City Scavenger Shall Notify Parties to Clean Privies, Etc.; Penalty; Notice by Health Officer, Etc.; Sufficiency—It shall be the duty of the City Scavenger, whenever in his judgment it may be necessary, to notify parties whose closets and privies, vaults, cesspools and septic tanks need cleaning to have the same cleaned within a certain time, using his discretion as to the limit, and any person who fails or refuses to have same cleaned within twenty-four hours by the Scavenger, or those in his employ, after the expiration of the time given by the City Scavenger in his notice, shall be deemed guilty of committing a nuisance, and shall be fined not less than One Dollar (\$1.00) nor more than Fifty Dollars (\$50.00), and each day that the closet or privy, vaults, cesspools and septic tanks shall remain uncleared after the expiration of the time specified in the notice within which to clean, shall be deemed a separate offense and punishable as such.

The above notice to clean may be given by the Health Officer or by the Health Inspector acting for the City Scavenger, and it is sufficient either that the notice be left at the residence of the person whose closet is to be cleaned, or delivered to him or her in person, or mailed to last known residence. (Id., Sec. 10, Par. 11.)

Sec. 473. Sanitary Inspectors—The Scavenger Department shall be provided with such number of sanitary inspectors as the Mayor or City Commissioners may, from time to time, determine is necessary, whose appointment shall be ap-

proved by the Mayor or City Commissioners. (Id., Sec. 10, Par. 12.)

Sec. 474. Authority Board of Health, Etc., to Enter and Examine Cellars, Etc.; Recommendations as to Abatement, Etc., of Nuisances—The Board of Health, or any member thereof, the Health Officer, or any health inspector, the chief of police or his subordinates, shall have authority to enter and examine at any time cellars, cesspools, privies and drains, and all buildings, lots and places of all descriptions within the city for the purpose of ascertaining the condition thereof, so far as public health may be affected thereby. The Board of Health shall recommend to the City Health Officer and when necessary to the Mayor and Commissioners, the abatement, removal or destruction of all nuisances in any building or on such premises. (Id., Sec. 1, Par. 9.)

(N. B.—For penalty see Section 567.)

Sec. 475. Scavenger Shall Keep Record—It shall be the duty of the City Scavenger to keep at his office a correct record of premises cleaned and amount charged therefor. (Code 1904, Art. 429.)

Sec. 476. Authority of Scavenger; Penalty—The City Scavenger, in all matters pertaining to privies, water closets, cesspools or septic tanks, shall have and exercise the same powers and duties as are by the ordinances conferred upon the Health Officer or the sanitary inspectors; and it shall be the duty of all persons to obey his orders or instructions in reference thereto in the same manner as though such orders or instructions were given by either of said officers; and any person failing or neglecting so to do shall be liable to a fine of not less than One Dollar nor more than Ten Dollars. (—, Ord. Bk. 3, p. 493, Sec. —.)

Sec. 477. Removal Shall Be Between Hours of Sunset and Sunrise; Penalties—It shall be unlawful for the City Scavenger of the City of Houston or those in his employ to remove or carry away the contents of any privy, vault or water closet, or any receptacle of human excrement, at any time except during the hours embraced between sunset and sunrise; provided, however, that in the removal of the contents of any privy, vault or water closet, or any receptacle for human excrement, the City Scavenger and those in his employ shall be required to use odorless, air-tight and sanitary barrels and proper disinfectants, and for any violation of this section by the City Scavenger or those in his employ, the City Scavenger shall

be fined not less than Ten nor more than Fifty Dollars, to be recoverable before the Corporation Court of the City of Houston. (Code 1904, Art. 428.)

Sec. 478. Duty of Scavenger—It shall be the duty of the City Scavenger, under instructions from the Health Officer or Health Inspector, or whenever requested by any citizen after the tender of the fees as hereinbefore fixed, to remove the night soil from any private or public house or yard of the City of Houston, and to sprinkle lime or other disinfectants in and about the same; said night soil to be carried beyond the city limits and deposited. (Id., Art. 426.)

ARTICLE 13.

PHYSICIANS, UNDERTAKERS AND MIDWIVES.

Sec. 479. Shall Register Name, Etc., With Health Officer; Change of Address—Every practicing physician, undertaker and midwife shall register his name, address and the nature of his duties with the Health Officer, and shall notify the Health Officer of any change of address, and the Health Officer shall send to each a copy of the State Law on Vital Statistics and a copy of Article 14 of this chapter. (Jan. 26, 1914; Ord. Bk. 4, pp. 41 et seq., Sec. 11, Par. 1.)

Sec. 480. Penalty—Any person violating this article shall, upon conviction, be fined not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00), and each day's continuance of any such violation shall be a separate offense. (Id., Sec. 11, Par. 2.)

ARTICLE 14.

CONTAGIOUS, INFECTIOUS AND PESTILENTIAL DISEASES.

Sec. 481. Physicians Shall Report Certain Diseases; Physicians and Midwives Shall Report Infants Whose Eyes are Affected, Etc.—Every physician shall report in writing to the Board of Health the name of every patient he (or she) may have in the City of Houston with cholera, smallpox, typhus, typhoid, or scarlet fever, measles, tuberculosis in any form, varicella, whooping cough, epidemic dysentery, trachoma, ophthalmia-neonatorum, epidemic cerebro-spinal meningitis, pellagra, infantile paralysis, hookworm disease, rabies, tetanus, pneumonia or any other communicable disease that may be hereafter declared and published by the Board of Health to be dangerous to the public health, together with the

precise locality where such patient may be found, immediately after such physician shall have ascertained the nature of such disease.

If any physician or midwife knows, or has reason to believe, that one or both eyes of an infant whom or whose mother he (or she) is called to visit, or treat, has become inflamed, swollen and red and shows an unnatural discharge within two weeks after the birth of such infant, he (or she) shall, within six hours, give notice thereof to the Health Officer, or in his absence to the President of the Board of Health. (Jan. 26, 1914; Ord. Bk. 4, pp. 41 et seq., Sec. 12, Par. 1.)

Sec. 482. Placards to Be Posted by Board of Health Where Certain Diseases are Present—It shall be the duty of the Board of Health to cause a suitable placard to be displayed from the front of any premises where any case of measles, smallpox, scarlet fever, diphtheria, chicken pox, epidemic cerebro-spinal meningitis or whooping cough is present. It shall be unlawful for any person to remove such placard when so placed without the permission of the Board of Health and it shall be the duty of said board, in conjunction with the attending physician, to issue the necessary instructions for the isolation of the patient. (Id., Sec. 12, Par. 2.)

Sec. 483. Bodies of Persons Dying With Contagious Diseases, Etc., Burial Within 24 Hours; Funeral; Persons Present—Any bodies of persons dying of contagious diseases, the bodies of persons who have died of smallpox, cholera, plague, yellow fever, typhus, diphtheria, scarlet fever or other dangerous contagious diseases shall be buried within twenty-four hours after death (except by special permission of the Board of Health), and no public or church funeral shall be held in connection with the burial of persons who have died of any of the above named diseases, and the body of any such person shall not be taken into any church, chapel or any public place, and only the adult members of the family and such other persons as are actually necessary shall be present at the burial of such body. (Id., Sec. 12, Par. 3.)

Sec. 484. Regulations for Management of in Hospitals; Isolation of Persons—The Board of Health shall have control of the hospitals for contagious diseases, and shall adopt rules and regulations for the proper management of same. Said board shall have authority to order and secure the removal and isolation of any person afflicted with a contagious disease. (Id., Sec. 12, Par. 4.)

Sec. 485. Guards of Premises Where Smallpox Patients; Penalty; Notice of Cases of Smallpox—Any person or persons having smallpox on his or her premises and unwilling to have such person or persons so afflicted moved to the smallpox hospital, shall be required to keep a guard on such premises at his or her expense, to prevent the spread of the disease, and failure to comply with the provisions of this section shall subject the offender to a fine of not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) for each day he or she fails to comply, and any owner or other person having control of any house where there shall be one or more cases of smallpox, and who, knowing the same, shall fail to give notice thereof to the Board of Health within six hours after its discovery, shall, upon conviction, be subject to the penalties of this section. (Id., Sec. 12, Par. 5.)

Sec. 486. Vaccination; Supervisor of Hygiene of Schools Shall Examine Children, and Prevent Those Not Vaccinated From Entering; Notice to Parents, Etc.—No person shall fail or refuse to be vaccinated or permit any minor under his or her control to be vaccinated when visited for that purpose by the physician employed by the city, unless such person or minor has already been effectually vaccinated at the time of said visit, or is vaccinated by some competent physician within twenty-four hours thereafter. The Supervisor of Hygiene of the city schools shall examine each pupil not submitting satisfactory evidence of vaccination, or not submitting evidence from a physician that vaccination is dangerous to the health of the child, and prevent the entrance of any one who has no vaccine mark, and notify the parent or guardian of said pupil that vaccination is an indispensable prerequisite to admission to the public schools of the city. (Id., Sec. 12, Par. 6.)

Sec. 487. Medical Examination May Be Ordered by Board; Interference, Etc., With Examination—Whenever it shall be deemed necessary by the Board of Health to establish the true character of any disease which is suspected to be communicable, a medical examination of the person or persons affected by such disease may be ordered by said board. Any person or persons interfering with or refusing to permit such examination shall be guilty of violating this section. (Id., Sec. 12, Par. 7.)

Sec. 488. Duties of Principals, Teachers, Etc., Not to Permit; Attendance of Children Affected, Etc.; Certificate of Supervisor of Hygiene—No principal, teacher or superintend-

ent of any school shall knowingly permit any child sick from any disease mentioned in Section 481, or from any other communicable disease, or any child residing in any house in which whooping cough, chicken pox, infantile paralysis, scarlet fever, diphtheria, smallpox, measles or epidemic cerebro-spinal meningitis shall exist to attend any school until such time as the Supervisor of Hygiene of public schools certifies to such teacher, principal or superintendent that the said child may attend school without danger of communicating the disease to others. (Id., Sec. 12, Par. 8.)

Sec. 489. Persons Affected Shall Not Take Books, Etc., From Libraries; Board of Health to Inform Librarian—No person from any dwelling wherein a disease dangerous to public health exists, shall take any book or magazine to or from any circulating library. The Board of Health shall inform the librarian of all cases of said diseases, and until a written permit is given he (or she) shall allow neither books nor magazines to be taken or returned from a dwelling where such cases exist. (Id., Sec. 12, Par. 9.)

Sec. 490. Persons With Communicable Diseases to Be Isolated; Buildings, Etc., to Be Disinfected; Premises With Diphtheria, When Disinfected—Any person in the City of Houston having communicable disease shall be isolated as the Board of Health may direct, and all buildings, clothing, property, premises and vehicles which may be infected by emanations from such persons shall be disinfected as the Board of Health may direct. No premises will be disinfected after diphtheria until at least two negative cultures, taken on successive days, have been obtained from the throat of the patient, or from the nose, if a case of nasal diphtheria. (Id., Sec. 12, Par. 10.)

Sec. 491. Persons Shall Not Knowingly Bring Infected Persons Into City, Without Permit—No person shall knowingly bring or cause to be brought into the City of Houston any person infected with any communicable disease, except upon a permit granted by the Board of Health. (Id., Sec. 12, Par. 11.)

Sec. 492. After Placarded, Who May Enter, Smallpox, Etc.—Whenever a placard shall be placed, showing the presence of smallpox, scarlet fever or diphtheria, no person or persons except the medical attendant and nurses shall either enter therein or depart therefrom without the permission of the Board of Health. (Id., Sec. 12, Par. 12.)

Sec. 493. When Tuberculosis Patient Moves, Physician Shall Notify Board of Health—Whenever a person having tuberculosis moves out of a house or an apartment the attending physician, if there be one, or the active head of the family, shall so notify this board within twenty-four hours, and both of the above mentioned persons shall be held responsible for a violation of this section. (Id., Sec. 12, Par. 13.)

Sec. 494. Veterinarians to Report to Board of Health Certain Communicable Diseases, Etc.; Contents—Every veterinarian or other person who is called to examine or professionally attend any animal within the City of Houston, having glanders or farcy, rabies, tuberculosis, or other communicable disease shall, within twenty-four hours thereafter, report in writing to the Board of Health the following facts:

- (a) A statement of the location of such diseased animal.
- (b) The name and address of the owner thereof.
- (c) The type and character of the disease. (Id., Sec. 12, Par. 14.)

Sec. 495. Animals With Hydrophobia Confined; Diagnosis; Bodies of, Disposition—Every animal which is mad, or which has hydrophobia, or which shows symptoms thereof, shall, if possible, be at once securely confined until the diagnosis is accurately made. Every animal that has been exposed to such disease shall be at once confined in some secure place for such length of time as to show that such exposure has not given such animal said disease, and the body of any animal that has died of such disease or which, being suspected to have such disease, has been killed, shall not be disposed of except as directed by the Board of Health. (Id., Sec. 12, Par. 15.)

Sec. 496. Penalty—Any person violating any of the preceding provisions of this article shall, upon conviction, be fined not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00), and each day's continuance of any such nuisance or condition shall be a separate offense. (Id., Sec. 12, Par. 16.)

Sec. 497. Physicians Shall Report; Penalty—Every physician in the city shall report to the Health Officer, within three hours after the diagnosis of the same, the appearance in his practice of any pestilential, infectious or contagious disease, and in case of any death from any cause must report the same within six hours to the Health Officer, with the cause thereof;

and any physician offending against the provisions of this section must be fined in the sum of Fifty Dollars. (Code 1904, Art. 390.)

Sec. 498. Keepers of Hotels, Etc., Must Report; Penalty—All hotel, boarding house and lodging house keepers, either public or private, must give immediate information to the Health Officer of all cases of contagious, pestilential or infectious disease which may occur on their premises, and no patient afflicted with any such disease shall be removed from one place to another without the permission of the Health Officer, who must report all such cases to the Board of Health. Any person violating the provisions of this section must, upon conviction, be fined not less than Five nor more than Fifty Dollars. (Id., Art. 391.)

Sec. 499. Duty of Persons Infected or Exposed to Infection—It shall be the duty of all persons infected with any disease of a pestilential, contagious or infectious character, or who from exposure to contagion from such diseases may be liable to endanger others who may come in contact with them, to strictly observe such commands or injunctions as may be given them by the City Health Officer, or the Health Officer of the State, to prevent the spread of such contagious diseases, and it shall be lawful for such health officers, or either of them, to command any person thus infected or exposed to infection, to remain within designated premises for such length of time as such Health Officer may deem necessary. (Id., Art. 376.)

Sec. 500. Penalty—Any person violating any of the provisions of the next preceding section, or who shall resist or aid any person in resisting the enforcement of said section, shall be fined in the sum of One Hundred Dollars. (Id., Art. 377.)

ARTICLE 15.

MILK AND MILK PRODUCTS, REGULATING, ETC., SALE OF.

Sec. 501. Certain Shall Not Be Brought Into, Etc., City Nor Kept or Offered for Sale, Etc., Except—No milk, cream, ice cream or substitute therefor, which is unwholesome or which has been watered, adulterated, reduced or changed in any respect by the addition of water or other substance, or by any removal of cream or butter fat, shall be brought into, held, kept or offered for sale, at any place in the City of Houston, nor shall any person keep, have or offer for sale in the said

city any such milk, cream, ice cream or substitute therefor, except as provided for in this chapter. (Jan. 26, 1914; Ord. Bk. 4, pp. 41 et seq., Sec. 13, Par. 1.)

Sec. 502. Meaning "Adulterated" and "Unwholesome"—The terms "adulterated" and "unwholesome," as used in this chapter, shall mean: First, milk containing more than eighty seven and one-half (87.50) per cent of water; Second, milk containing less than twelve (12) per cent of milk solids; Third, milk containing less than three and one-quarter (3.25) per cent of fats, or having a specific gravity of less than one and twenty-nine thousandths (1.029); Fourth, milk which, notwithstanding these minimum standards, is not up to the standard produced by the complete milking of the cow or cows in the dairymen's herd; Fifth, milk drawn from animals within fifteen days before parturition and seven days after parturition; Sixth, milk drawn from animals fed upon wet distillery or brewery waste; Seventh, milk from which any part of the cream has been removed, without so labeling; Eighth, milk which has been adulterated with water, or any other fluid, or to which has been added, or into which has been introduced any foreign substance whatever, except modified milk for infants or invalids, and which shall be labeled to show the nature and name of added substances; Ninth, milk which consists, in whole or in part, of a diseased, contaminated, filthy or insanitary substance, or which has been reduced, transported, or kept in a condition which may render the article diseased, contaminated or unwholesome. (Id., Sec. 13, Par. 2.)

Sec. 503. Meaning "Cream"; Nothing to Prohibit Sale Condensed Milk, Etc., if Labeled—The term "cream," in connection with this chapter, shall be held to mean that portion of milk, rich in milk fat, which rises to the surface of milk on standing, or is separated from it by centrifugal force, is fresh and clean and contains not less than eighteen (18) per cent of milk fat. Provided, that nothing herein shall prohibit the sale of products from pure condensed milk, milk, skim milk, and wholesome substitutes for the albumen or cream, if so labeled, to each and every purchaser and consumer. (Id., Sec. 13, Par. 3.)

Sec. 504. Milk With Cream Removed Not to Be Sold, Unless, Etc.—No dealer in milk by himself, or his agent, shall sell or have in his possession with intent to sell, milk from which the cream has been removed, in whole or in part, unless sold as skim milk, and unless there shall appear in a con-

spicuous place on the can, or other receptacle from which such milk is sold, the words "Skim Milk" distinctly and legibly labeled, and in the case of dealers, restaurateurs, hotel keepers and other persons offering such for sale or serving the same, appropriate and plain signs or labels setting forth such facts to the consuming public, nor shall any dealer in milk, or his agent or agents, sell as skim milk, milk which has less percentage of casein and solids not fat than that contained in unskimmed milk. (Id., Sec. 13, Par. 4.)

Sec. 505. Milk Sold As Certified; Notice; After Notice Shall Not Be Sold, Etc.—Whenever it is found, as a rule, that milk sold as certified milk does not conform to the standard under which it is certified, the Health Officer shall give notice to both the Medical Milk Commission and to the dairyman or dealer in milk, and if the conditions complained of are not corrected and the milk brought within the standard under which it is certified within a reasonable and safe time, the Health Officer shall again notify the Medical Milk Commission and the dairyman or dealer that such milk is not conforming to the standard under which it is certified, and no person or persons, firm or corporation shall sell, or offer for sale, milk in the City of Houston, as certified milk after such notice, and which does not conform to the standard under which it is certified. (Id., Sec. 13, Par. 5.)

Sec. 506. Penalty; Dairymen, Etc.; Barred From Holding Permit When—Any person, firm, corporation or agent bringing, sending or having in possession for sale, or selling in the City of Houston any milk or milk products which are adulterated or misbranded, as set forth herein, shall upon conviction be fined not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00). Any dairyman, milk dealer, or other person who shall have been twice convicted of selling milk to which water has been added, such second conviction shall, *ipso facto*, act as a bar to the holding of a permit for the sale of milk in the City of Houston. (Id., Sec. 13, Par. 8.)

ARTICLE 16.

MILK AND MILK PRODUCTS; REGULATION, ETC.; SANITARY CONDITIONS, ETC.

Sec. 507. Permits Necessary to Bring into City; Milk, Etc.—No person, firm, corporation or agent shall bring or send into the city any milk or cream or buttermilk without a

permit so to do from the Milk Inspector under the direction of the Health Officer, said permits to be furnished gratuitously to all applicants in accordance with Section 512, and to be renewed in the month of April in each year to be valid. (Jan. 26, 1914, Ord. Bk. 4, pp. 41 et seq., Sec. 14, Par. 1.)

Sec. 508. Milk Vehicles to Bear Name Owner, Number of License, Etc.—All milk vehicles shall bear the name of the owner and the number of the license of the wagon or vehicle tacked thereon plainly and legibly in letters not less than three (3) inches in height. (Id., Sec. 14, Par. 2.)

Sec. 509. Grocers, Etc.; Offering, Etc.; Milk, Etc.; Regulations Concerning—All grocers, bakers, restaurateurs, barkeepers, and other persons having or offering for sale milk or cream, or frozen milk or cream, shall at all times keep the name or names of the person or dairyman, or dairy, from whom the milk or cream was obtained, posted in a conspicuous place wherever such product may be sold or kept for sale. All grocers, bakers restaurateurs, barkeepers, and other persons handling such milk shall keep the cans, refrigerators, bottles and other receptacles in which the milk is kept or stored clean at all times, and shall thoroughly wash and sterilize by boiling or steam all such vessels before the milk is poured therein. (Id., Sec. 14, Par. 3.)

Sec. 510. Sample of Milk, Etc., Shall Be Furnished Health Department—Any person, firm, corporation or agent who offers for sale milk, skimmed or unskimmed, or cream, in the City of Houston, whether a resident or non-resident, on being tendered the market price, shall furnish a sample of said milk to any officer representing the Health Department of the city who may request the same for the purpose of examination or analysis. (Id., Sec. 14, Par. 4.)

Sec. 511. Removal of Bottles, Etc.; Prohibited, Etc.; Persons With Certain Diseases Not to Work, Etc.; Proprietors, Etc., Not to Permit—No milk dealer, dairyman or his agents shall remove from any dwelling or house in which there is a contagious disease, and which has been so plainly placarded, any bottle or receptacle which has been used for the purpose of receiving or storing milk, that has not been disinfected as directed by the Health Officer. No person suffering from, or who has knowingly suffered from, within a period of twenty days, or has been exposed to diphtheria, scarlet fever, erysipelas, cerebro-spinal meningitis, smallpox or other dangerous contagious disease, shall work or assist in or about any dairy

or dairy farm; no proprietor, manager or superintendent shall knowingly permit any person suffering from any of said diseases, or exposed as aforesaid, to work or assist in or about said dairy farm. (Id., Sec. 14, Par. 5.)

Sec. 512. Permits Necessary to Sell Certain; Duties of Inspectors; Certificates—Permits without charge shall be required of any and all persons selling milk or cream in the City of Houston, or bringing the same in for sale. Such permits shall apply to all dairies or other places, and to all cattle producing the milk for sale in the City of Houston. It shall be the duty of the milk inspectors, acting under the Health Officer and the Health Department, to issue such permits and to see that no milk is sold in the city without permit as herein required. Permits shall be required annually on the first day of April and at such other times as a new dairy or place begins the sale of milk or cream in the City of Houston, or the production of the same for sale in the City of Houston, and at such other times as such changes in the source of production or the place of sale shall make the permit no longer apply to the conditions under which the permit was issued. The Milk Inspector, acting under the Health Officer and the Health Department, shall not issue a permit to any person or persons selling or retailing milk or cream in the City of Houston who does not furnish once in every twelve months, and at the time of the beginning of any dairy for supplying milk in the City of Houston, a certificate on form supplied by the Health Department, which shall apply to and be conditioned, as follows: (Id., Sec. 14, Par. 6.)

(a) **Contents Certificates**—Such certificates shall state that the place from which the milk which the dairyman or other person is at present selling or proposes to sell, is obtained, is free from disease, and that reasonable items of equipment and methods for production and sale of milk are adequate. Such certificate shall also embrace an enumeration of cattle in the dairyman's herd. (Id., Sec. 14, Par. 6.)

(b) **Examination and Inspection of Dairy Cattle May Be Required; How Made; Effect of Secret Injection of Tuberculin by Dairymen; Isolation Diseased Cattle; Tested Herds**—The Milk Inspector, the Health Officer or the Board of Health may require a veterinary examination of the cattle producing milk for sale in the City of Houston, including the tuberculin test and other recognized means of veterinary diagnosis to determine as to whether or not the cattle in any herd are infected with any disease. Such inspection and examination

shall not be required and the dairyman shall not be put to the expense of such veterinary inspection until after the milk inspector or other agent of the Health Officer has made a personal inspection of the dairyman's herd. If the dairyman so requests, all such examinations shall be made at the expense of the city or, should the dairyman so desire, the veterinary inspection may be made by any competent and reliable veterinarian employed by the dairyman. The City of Houston, however, shall have the right, if so desired, to have its milk inspector or other agent present at the time of such inspection. Any such certificate of health of animals given by veterinarians, if deemed necessary, may be required under oath of the veterinarian, and under oath of the owner or operator of the dairy as to any facts concerning the concealing of disease; and any dairyman who shall, with a secret injection of tuberculin or other means, conceal the disease in any animal or any herd supplying milk or milk products in the City of Houston, shall be refused a permit, or having been issued a permit, shall have the same revoked. Whenever any dangerous disease has been found in any cattle supplying milk or milk products in the City of Houston, in order to continue the sale and hold a permit so to do, the veterinarian shall tag the diseased animal, and the dairyman or other person shall remove such animal or animals from the herd, and shall have the option of quarantining the infected animal at such distance and in such manner as will safely isolate the animal and its milk. When a herd supplying milk to the City of Houston has been twice tested within two years and found to be free from tuberculosis or other disease, and where all cattle added thereafter to such herd are similarly shown by the tuberculin test, and other recognized means of veterinary inspection, to be free from disease, and where the animals are identified by a tag, then any such cattle or herd shall be regarded as a tested herd, and subsequent tests shall not be required except as the Health Department may have good grounds for believing that any animals in such herd are diseased. (Id., Sec. 14, Par. 6.)

(c) **Notice When Test to Be Made; Milk Inspectors, Etc.; Right to Be Present; Record of Tests to Be Kept and Filed; Affected Animals Tagged and Isolated; Notice From Milk Inspector**—All dairymen and other persons offering milk and milk products for sale in the City of Houston, and the veterinarian engaged to make test of animals producing such milk, shall give notice to the milk inspector before the test is made, and the milk inspector or other agent of the Health Depart-

ment, as provided herein, shall not only have the right to be present at such testing but shall designate or arrange with the veterinarian and the party whose cows are to be tested, a time reasonably convenient at which such milk inspector or agent of the Health Department can be present. A detailed record of all tests and results with respect to each animal shall be filed by the veterinarian making the test with the milk inspector and, if required, shall be filed under oath, as provided. The veterinarian making the test, or the milk inspector, or other agent of the Health Department shall cause all animals showing tuberculosis to be marked and tagged, as provided under the laws and regulations of the State of Texas. After visiting the herd, as provided herein, the milk inspector shall give notice to the dairyman of the time within which any cattle or herds shall be tested as a requisite for selling milk in the City of Houston. (Id., Sec. 14, Par. 6.)

(d) **Permits Shall Not Be Issued When; Health Officer, Etc., May Revoke Permit When**—A permit to sell milk shall not be issued to any dairy which has not the reasonable items of equipment and method necessary for the production and sale of milk in a safe and sanitary manner, or which has not a healthy herd, or whose water supply is in an unsafe condition, or where there are evidences that the employees connected with the production and sale of milk are affected with communicable disease. And, whenever the Health Officer, his agent or any member of the Board of Health shall by inspection determine that any such conditions exist, the dairyman shall be notified of the conditions objected to, and if the conditions are not changed within a reasonably safe time to be stated in such notice, the permit shall be revoked; provided, however, that if the dairyman can remove his cattle and equipment to another farm and place, and so as to have his product free from danger of any such conditions found, such permit shall not be revoked. (Id., Sec. 14, Par. 6.)

(e) **Permits Shall Not Be Issued When; Before Revoking Hearing to Be Given; Appeals; Temporarily Revoked Pending Appeal**—No permit shall be issued to any dairyman or other person whose dairy, equipment and methods are not open to the inspection of any member of the Board of Health or any agent of the City of Houston, and any dairyman or other person refusing such inspection shall be refused a permit to sell milk in the City of Houston; provided, however, that before the revoking of such permit, the dairyman or other party interested shall be given a hearing with the right to appeal

to the Board of Health, the Board of Commissioners and to the courts. In cases where there is danger of a contagious or infectious disease, however, the permit shall, after notice, be temporarily revoked pending such appeal unless the herd is removed to another place, as provided in sub-section "d." (Id., Sec. 14, Par. 6.)

(f) **Cleanliness Required**—Milkers and those engaged in the handling of milk or cream shall maintain strict cleanliness of their hands and person while milking or while so engaged. The receptacles for milk and all cans for carrying and delivering the same shall be thoroughly cleaned with hot water and soap or efficient washing powder, and be sterilized with boiling water or steamed thoroughly before such milking or before each use. (Id., Sec. 14, Par. 6.)

(g) **Cows to Be Kept Clean; Cleaning of Teats, Etc.**—Every person keeping cows for the production of milk for sale in the City of Houston shall cause them to be kept clean at all times, and shall cause the teats and udders to be carefully cleaned by brushing, washing or wiping before milking, and shall cause each of said cows to be properly fed and watered. (Id., Sec. 14, Par. 6.)

(h) **Receptacles for Milk; Removal; Storage of Milk and Cream**—Any person using any premises for keeping cows for dairy purposes shall provide and use a sufficient number of receptacles of non-absorbent material for the reception, storage and delivery of milk, and shall keep them clean and wholesome at all times, and at milking time shall remove each receptacle as soon as filled from the room or stable in which the cows are kept; nor shall any milk or cream be stored or kept within any room used for stabling cows or other domestic animals. (Id., Sec. 14, Par. 6.)

(i) **Notice to Be Given Health Officer of Contagious or Infectious Diseases; Isolation and Precautions**—It shall be the duty of every person having charge or control of any premises upon which cows are kept for the production of milk for sale in the City of Houston to notify the Health Officer of the City of Houston of the existence of any contagious or infectious diseases among such cows by letter delivered or mailed within twenty-four hours after the discovery thereof, or in person, and to thoroughly isolate any cow or cows so diseased or which may reasonably be believed to be so infected, and to exercise such other precautions as may be directed in writing by the Health Department. (Id., Sec. 14, Par. 6.)

Sec. 513. Keeping Milk for Sale; Regulations; Bottles, Etc., Returned and Used—Milk dealers, restaurateurs, hotel keepers, barkeepers and other persons keeping milk for sale, shall keep and serve the milk at all times free from contamination in clean vessels; and no consumer of milk shall deliver back to a dairyman or milk dealer any bottle or can which is not clean, and no dairyman or milk dealer shall use or refill any bottle or other receptacle received from a milk patron until same has been thoroughly steamed or scalded. (Id., Sec. 14, Par. 7.)

Sec. 514. Physicians to Report Suspected Communicable Diseases in Employer's Family of Dairymen, Etc.—It shall be the duty of any physician holding a permit to practice in the City of Houston to immediately report to the Health Officer whenever such physician shall suspect the existence of any communicable disease existing in the employer's family of any dairyman or milk dealer or other handler of milk for sale. (Id., Sec. 14, Par. 8.)

Sec. 515. Examination; Publication of Findings; Further Examination; Six Examinations Monthly of Milk, Etc.—Where a sample of milk or other food or drug has been examined and where it is the intention of the Health Officer or any other city official to make the publication of the findings, as soon after the examination as possible he shall transmit to the person from whom the sample was taken a copy of the results of the examination, and if such party or parties ask for further examination before publication, such examinations sufficient in number to determine the actual condition of the product when sold in the market shall be made, and when published the publication shall include all examinations or such average as will show the exact condition of the product as determined by all of the examinations. At least six examinations shall be made monthly of any milk sold in the City of Houston as certified milk, and the product sold as certified milk shall be judged by the standard which is established by the Medical Milk Commission under which the certificate is granted. (Id., Sec. 14, Par. 9.)

Sec. 516. Bacteriological Counts; Warnings by Health Officer; Temporarily Revoking Permit—In the enforcement of this and other sections of this chapter, if the objection to the milk is based upon the bacteriological count, sufficient bacteriological counts shall be made of milks actually obtained from the market as well as of milks from different sources in

the dairy and the distribution, if the dairyman desires, to determine as to whether or not the high count is the exception or the rule in connection with the dairy; provided, however, that nothing in this section or any other section of this chapter shall be construed to prohibit the Health Officer from giving warning concerning certified milk or other milk sold in the City of Houston when any contagious or infectious disease in connection with the handling of milk, or other dangers to the public health are apparent, or from the immediate revoking, temporarily, of the permit in all instances where such danger is determined. (Id., Sec. 14, Par. 10.)

Sec. 517. How Samples Taken, Etc.—In collecting samples of milk and milk products for examination, if the sample is intended for bacteriological examination, the inspector shall take the same in as sterile a manner as possible so as to prevent contamination at the time of taking the sample. If the sample is not taken in the original bottle or other package, it shall be taken with sterile tubes or other sterile instruments and placed in a sterile receptacle; and all such samples intended for bacteriological examination, unless they are, as in the case of original containers of ice cream, packed in ice containers of their own, shall be immediately put into a box or other receptacle containing sufficient ice, and which shall be so constructed and iced as to maintain a temperature under 56 degrees Fahrenheit, and which such box or other receptacle shall have a close-fitting lid. (Id., Sec. 14, Par. 11.)

Sec. 518. Penalty—Any person, firm, company or corporation or agents who shall violate any of the foregoing provisions of this article shall, upon conviction, be fined for such offense not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00). (Id., Sec. 14, Par. 12.)

ARTICLE 17.

ICE CREAM; REGULATING MANUFACTURE, ETC.

Sec. 519. Manufacturers of Ice Cream Must Have License—That it shall be unlawful for any person, firm or corporation to manufacture, in the City of Houston, ice cream for the purposes of sale unless such person, firm or corporation shall have the license hereinafter described authorizing him to manufacture ice cream for the purpose of sale, and unless such person, firm or corporation or agents shall have the certificate of the Health Department of the City of Houston, hereinafter described, to the effect that said establishment is being con-

ducted in accordance with the ordinances. (Jan. 26, 1914, Ord. Bk. 4, pp. 41 et seq., Sec. 15, Par. 1.)

Sec. 520. Penalty—Any person, firm or corporation or agents violating the next preceding section shall, upon conviction thereof in the Corporation Court, be subject to a fine of not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00) for each offense, and it shall be a separate offense each day that ice cream is manufactured for sale or sold without such license or without such certificate of the Health Department. (Id., Sec. 15, Par. 1.)

Sec. 521. Certificate or License Must Be Posted; Purchases Shall Not Be Made From Unlicensed Place, or Place Where License Not Posted—That it shall be unlawful for any person, firm or corporation or agents engaged in the manufacture of ice cream for the purposes of sale to conduct said business unless the certificate of the Health Department, mentioned in the above section, is posted in the place of business where it can be plainly seen by every person coming to said place of business, and it shall be unlawful for any person to purchase ice cream from any establishment which is not duly licensed, as herein provided by the City of Houston, or to purchase ice cream from any person who does not have posted conspicuously in a public place where it can be plainly seen the certificate of the Health Department provided for in this article. (Id., Sec. 15, Par. 2.)

Sec. 522. Penalty—Any person violating the next preceding section shall, upon conviction thereof in the Corporation Court, be fined in any sum not less than Five Dollars (\$5.00) nor more than Fifty Dollars (\$50.00) for each offense. (Id., Sec. 15, Par. 2.)

Sec. 523. Application for Inspection Before Engaging in Business; Examination; Requirements for Permit; Refunds of Unexpired Licenses; Cancellation of Licenses; Penalty—Any person, firm or corporation or agents who desire to engage in the business of manufacturing ice cream for sale in the City of Houston must, before engaging in said business, apply to the City of Houston for an inspection of their premises and apparatus by the Health Department of the City of Houston, and for a permit to engage in said business before they shall commence the manufacture or sale of ice cream.

Upon said application being filed with the City Secretary, the Mayor or Council shall cause the premises and apparatus

where said business is proposed to be conducted to be thoroughly examined by the City Health Officer, and the said business and place of business shall come up to the following specifications with respect to the place of business, persons engaged in same and the mode of conducting same, and unless parties applying for the permit can show a strict compliance with the requirements of this article no permit to engage in said business shall be issued.

The said requirements, without compliance with which no permit shall issue, are as follows:

- (a) The ice cream plant must be properly screened.
- (b) The floors, walls and ceilings must be sanitary.
- (c) The water-closets and urinals must be separate from the plant.
- (d) The room used for mixing cream must be close ceiled, properly ventilated and screened and with no unsanitary surroundings or neighborhood.
- (e) The utensils used in the manufacture or distribution of the cream must be of porcelain or granite ware and in good condition.
- (f) All labor employed in or about the said establishment and all persons engaged in said manufacture or sale must be cleanly both in person and attire.
- (g) Every person or employee connected with the business shall wear a suitable garb and be free from disease.
- (h) The cans must be sterilized at a temperature of 212 degrees Fahrenheit and for not less than fifteen minutes, and a suitable room must be provided where sterilized cans can be kept where their sterility will be maintained.
- (i) No ice cream shall ever be returned or exchanged after once leaving the plant.
- (j) Analine dyes must not be used, nor must same be found in the ice cream plant.
- (k) No one with the exception of the employees shall be in the plant except on official business.
- (l) The ingredients that are used in the manufacture of the ice cream must be fresh and properly preserved, and under no circumstances shall decayed or over-ripe fruit ever be used in the manufacture of the cream.

In the event any person, firm or corporation or agents now engaged in the business of manufacturing ice cream for sale in the City of Houston fails to comply with these requirements

the City of Houston shall refund to such person, firm or corporation such portion of any license fee paid to the City of Houston as the unexpired time of said old licenses after date of January 1, 1914, bears to the time of said license already passed; but the city shall be under no obligation to refund such portion of license as heretofore paid unless the party entitled thereto applies for same in writing, stating in such application that they have gone out of business.

In the event any such person, firm or corporation or agents who has complied with the requirements of this article and received a permit or license to conduct the said business, should at any time thereafter violate or disregard any of the requirements above named, the City Council shall have the right to cancel the license granted and require said persons to discontinue business, and in addition to this remedy, if any person, firm or corporation engaged in the business of manufacture of ice cream for the purpose of sale in the City of Houston shall at any time neglect or violate any of the requirements or specifications above named, they shall for each offense, on conviction thereof in the Corporation Court, be punished by a fine of not less than Ten Dollars (\$10.00) nor more than Two Hundred Dollars (\$200.00) for each offense, and in the event the business of the manufacture of cream is conducted by a corporation, then in such event in each case of violation of this article or any of its terms; it shall be a separate offense, both in the corporation and the manager or person in charge of said business and in the individual or individuals who are concerned in the violation thereof. (Id., Sec. 15, Par. 3.)

Sec. 524. Application for Inspection First Day of Each Month; Inspection and Certificate; Penalty; Fee—Any person, firm or corporation, or agents engaged in the manufacture of ice cream for purposes of sale in the City of Houston must on the first day of each month apply to the Health Department of the City of Houston for inspection of their premises and appliances, which inspection shall be made without delay by the Health Officer; the Health Officer, or some person designated by him, may inspect said premises when in his judgment it is deemed necessary without notice, and if said place and the conduct of said business is found by the Health Officer to be in accordance with the requirements of this article, then the said Health Officer shall issue to said person, firm or corporation a written or printed certificate to the effect that the said business and place of business has been inspected by him, giving the date of such inspection, and that the said

business is being conducted in accordance with the ordinances of the City of Houston; and it shall be unlawful for the person, firm or corporation or agent to conduct said business unless said certificate is issued by the said Health Officer and is posted in said establishment where it will be visible to every person entering the establishment; and the person engaged in such business shall pay for each certificate the sum of One Dollar (\$1.00). (Id., Sec. 15, Par. 4.)

Sec. 525. Selling Ice Cream Causing Persons to Have Ptomaine Poisoning Prohibited; Penalty—If any person, firm or corporation or agent engaged in the manufacture of ice cream for purposes of sale in the City of Houston shall manufacture ice cream, and if said ice cream shall cause any person or persons to be affected with ptomaine poisoning, then the manufacturer of such cream shall be guilty of an offense, and in such event it shall be a separate offense in the person, firm, corporation or agent manufacturing said cream for each person who is affected with ptomaine poisoning, and upon conviction therefor in the Corporation Court the person, firm, corporation or agent manufacturing said cream shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00) for each person or individual so poisoned. (Id., Sec. 15, Par. 5.)

Sec. 526. Evidence Sufficient to Show Ptomaine Poisoning and Sustain Conviction; Burden of Proof on Defendant to Show Facts Disproving Prima Facie Case—It shall be sufficient to sustain a conviction under the preceding section to show that the defendant manufactured the ice cream and that some individual or person upon eating same developed ptomaine poisoning, and the burden shall be upon the defendant to show that the person or persons were not poisoned by the cream so eaten, and that said ptomaine poisoning was due to misuse or abuse of the cream by some third person after it left the establishment of the defendant, and if the defendant shall show that the poisoning of the person was due to the act or neglect of some other person after the cream left his establishment, and that the manufacture of this particular cream was conducted in all respects in strict accordance with the requirements of this article, these facts when so established shall constitute a defense to the prosecution for causing ptomaine poisoning. (Id., Sec. 15, Par. 5.)

Sec. 527. Purpose of This Article—This article is intended to be supplementary to any other ordinances on the subject

matter. It is not intended to repeal ordinances prescribing the tax for persons engaged in the manufacture of ice cream; the purpose of this article being for regulation and for the protection of the public. (Id., Sec. 15, Par. 6.)

ARTICLE 18.

PURE FOOD AND DRUGS.

Sec. 528. Manufacture, Possession, Etc., of Adulterated and Misbranded Foods and Drugs Prohibited; Definitions, Terms "Food" and "Drugs"—That no person, firm or corporation or agents shall within this city manufacture for sale, have in his possession with intent to sell, offer or expose for sale, or sell or exchange any article of food or drugs which is adulterated or misbranded within the meaning of this article. The term "food," as used herein, shall include all articles used for food, drink, flavoring, confectionery or condiment, by man, whether simple, mixed or compounded. That the term "drug" as used in this article shall include all medicines and preparations for internal or external use recognized in the United States Pharmacopoeia or National Formulary, and any substances or mixture of substances intended to be used for the cure, mitigation or prevention of disease of either man or animal. (Jan. 26, 1914, Ord. Bk. 4, pp. 41 et seq., Sec. 16, Par. 1.)

Sec. 529. Articles Deemed Adulterated; When—That for the purposes of this article an article shall be deemed adulterated:

(a) **In the Case of Drugs:** (1) If, when sold under or by a name recognized in the eighth decennial revision of the United States Pharmacopoeia or in such United States Pharmacopoeia as official at the time of labeling it, or in the National Formulary, it differs from the standard of strength, quality or purity laid down therein; (2) if, when sold under or by a name not recognized in the eighth decennial revision of the United States Pharmacopoeia, but which is found in some other Pharmacopoeia or other standard work on materia medica, it differs materially from the standard of strength, quality or purity laid down in such work; (3) if its strength, quality or purity falls below the professed standard under which it is sold.

(b) **In the Case of Confectionery:** If it contains terra alba, barytes, talc, chrome yellow, or other mineral substances, or poisonous color or flavor, or other ingredients deleterious

or detrimental to health, or any vinous, malt or spirituous liquor or compound, or narcotic drug.

(c) **In the Case of Food:** (1) If any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength; (2) if any substance has been substituted wholly or in part for the article; (3) if any valuable constituent of the article has been wholly or in part abstracted, or if the product be below that standard of quality, quantity, strength or purity represented to the purchaser or consumer; (4) if it be mixed, colored or powdered, coated or stained in a manner whereby damage or inferiority is concealed; (5) if it contain any added poisonous or other added deleterious ingredient which may render such article injurious to health; provided, that when in the preparation of the food products for shipment they are preserved by any external application applied in such manner that the preservative is necessarily removed mechanically or by maceration in water or otherwise, and directions for the removal of said preservative shall be printed on the cover of the package, the provisions of this article shall be construed as applying only when said products are ready for consumption; (6) if it consists in whole or in part of a filthy, decomposed or putrid animal or vegetable substance, or any portion of an animal or vegetable unfit for food, whether manufactured or not, or if it is the product of a diseased animal or one that has died otherwise than by slaughter. For the purpose of this article, the term "filthy" shall be deemed to apply to food not securely protected from flies, dust, dirt and as far as may be necessary by all reasonable means from all foreign or injurious contamination. (Id., Sec. 16, Par. 2.)

Sec. 530. What Term "Misbranded" Applies To—That the term "misbranded" as used in this article shall apply to all drugs or articles of food or articles which enter into the composition of food, the package or label of which shall bear any statement, design or device regarding such article or the ingredients or substances contained therein false or misleading in any particular. (Id., Sec. 16, Par. 3.)

Sec. 531. Articles Deemed Misbranded When—That for the purpose of this article an article shall also be deemed to be misbranded:

(a) **In the Case of Drugs:** (1) If it be an imitation of or offered for sale under the name of another article; (2) if the contents of the package, as ordinarily put up, shall have been

removed in whole or in part and other contents shall have been placed in such package, or if the package fail to bear a statement on the label of the quantity or proportion of any morphine, phenacetin, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilid, or any derivative or preparation of any such substances contained therein.

(b) **In the Case of Food:** (1) If it be an imitation of or offered for sale under the distinctive name of another article; (2) if it be labeled or branded so as to deceive or mislead the purchaser or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package, or if it fail to bear a statement on the label of the quantity or proportion of any morphine, opium; cocaine, heroin, alpha or beta eucaine, phenacetin, chloroform, cannabis indica, chloral hydrate or acetanilid, or any derivative or preparation of any such substances contained therein; (3) if in the package form and the contents are stated in terms of weight and measure, they are not plainly and correctly stated on the outside of the package; (4) if the package containing it or its labels bear any statement, design or device regarding the ingredients or substances contained therein which statement, design or device shall be false or misleading in any particular; provided then, that an article of food which does not contain any added poisonous or deleterious ingredient shall not be deemed to be adulterated or misbranded in the following cases: First, in the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced; second, in the case of articles labeled, branded or tagged so as to plainly indicate that they are compounds, imitations or blends; that the term "blend" as used herein shall be construed to mean a mixture of like substances not excluding harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only; and provided further, that nothing in this article shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredients to disclose their trade formulas except in so far as the provisions of this article may require to secure

freedom from adulteration or misbranding. (Id., Sec. 16, Par. 3.)

Sec. 532. Manufacture, Sale, Etc., of Food to Which Has Been Added Formaldehyde, Etc., Prohibited; Exceptions—It shall be unlawful for any person, firm or corporation or agents to manufacture or sell, offer for sale or exchange any articles of food to which has been added formaldehyde, boric acid or borates, benzoic acid or benzoates, sulphurous acids or sulphite, salacylic acid or salacylates, abstral, beta naphthal, flourine compounds, dulcin, glucin, cocaine, sulphuric acid or other mineral acids, except phosphoric acid, any preparation of lead or copper or other ingredient injurious to health; provided, that nothing in this article shall be construed as prohibiting the sale of catsups, sauces, concentrated fruits, fruit juices, and like substances preserved with one-tenth of one per cent. of benzoate of soda or the equivalent, benzoic acid, when a statement of such fact is plainly indicated upon the label; provided further, that the oxides of sulphur may be used for bleaching, clarifying and refining food products. (Id., Sec. 16, Par. 4.)

Sec. 533. Sale, Etc., of Unwholesome, Etc., Milk, Etc., Prohibited; When Infectious Diseases; Diseased Cows, Etc.; Skim Milk—That it shall be unlawful for any person, firm, corporation or agents, either by himself, or agent, to sell or expose for sale or exchange any unwholesome, adulterated, decomposed, or impure milk or swill milk or other substances in a state of putrefaction or other deleterious substances or from cows kept in connection with any family in which there are infectious diseases, or from sick or diseased cows, or milk from which any part of the butter fat has been removed; provided, "skim milk" may be sold if on the can or package from which such milk is sold the words "skim milk" are distinctly painted in letters not less than one inch in length. For the purpose of this article, the character and abundance of bacteria in any milk or cream may be conclusive evidence that such food is decomposed. (Id., Sec. 16, Par. 5.)

Sec. 534. When Dealer Shall Not Be Prosecuted Under This Article—That no dealer shall be prosecuted under the provisions of this article when he can establish a guaranty, signed by the wholesaler, jobber, manufacturer or other party residing within this State, or in the United States, from whom he purchases such articles, to the effect that the same is not adulterated or misbranded within the meaning of this article,

designating it. Said guaranty to afford protection shall contain the name of the party making the sale of such articles to such dealer, and in such cases said party or parties shall be amenable to the prosecution, fines and other penalties which would attach in due course to the dealer under the provisions of this article. (Id., Sec. 16, Par. 6.)

Sec. 535. Duty Certain Officers to Investigate and to Prosecute Violations This Article; Powers of Officers; Samples May Be Taken; Standards Adopted; Methods Analysis—

It shall be the duty of the City Pathologist and Chemist, or any food inspector or deputy appointed by him, to carefully inquire into the quality of the foods and drug products manufactured or sold or exposed for sale or offered for sale in this city, and they may in a lawful manner procure samples of the same and make due and careful examination and analysis of all or of any such food and drug products to discover if the same are adulterated or misbranded, impure or unwholesome, in contravention to this article, and it shall be the duty of the City Pathologist to make complaint against the manufacturer or vender thereof in the Corporation Court, and furnish the evidence thereof to obtain a conviction for the offense charged. The City Pathologist and Chemist, or his inspectors, or any person by him duly appointed for that purpose, shall make complaint and cause proceedings to be commenced against any person for the violation of any of the laws relative to adulterated, misbranded, impure or unwholesome food; and he shall have power in the performance of his duties to enter into any creamery, wagon, depot, factory, store, salesroom, drug store or laboratory, or place where he has reason to believe foods or drugs are made, prepared, sold or offered for sale or exchange, and to open any cask, tub, jar, bottle or package containing or supposed to contain any article of food or drug and examine or cause to be examined the contents thereof, and take therefrom samples for analysis. The person making such inspection shall take such samples of such article or product and he shall mark or seal such sample and shall tender at the time of taking it to the manufacturer or vender of such product, or to the person having the custody of the same, the value thereof and a statement in writing of the reason for taking such sample. The standards for food products of the Texas Food and Drug Law are hereby adopted as a part of this article, and the methods of analysis authorized as official by the United States Department of Agriculture, in so far as they are applicable

in the light of modern discovery and scientific research. (Id., Sec. 16, Par. 7.)

Sec. 536. Certificates of Purity, Etc.—It shall not be the duty of the City Pathologist and Chemist or his assistants while they hold office to furnish to any individual, firm or corporation any certificate as to the purity or excellence of any article manufactured or sold to or by them to be used as food or drug or in the preparation of foods or drugs. (Id., Sec. 16, Par. 8.)

Sec. 537. Annual Report Pathologist and Chemist; Contents—The City Pathologist and Chemist shall make an annual report to the Mayor and City Council at the end of the fiscal year, which report shall cover the entire work of his office for the preceding year and shall show, among other things, the number of manufactories and other places inspected and by whom, and the number of specimens of food and drug articles analyzed and the number of complaints entered against any person or persons for the violation of the laws relative to the adulteration of foods or drugs, the number of convictions had and the amount of fines imposed therefor, together with such recommendations as his experience may justify. (Id., Sec. 16, Par. 9.)

Sec. 538. Penalty—Any person, firm or corporation who shall in any way violate any of the preceding provisions of this article shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00). (Id., Sec. 16, Par. 10.)

Sec. 539. Authority Health Officer, Etc., to Condemn; Duty Health Officer, Etc.; Penalty—That whenever the Health Officer, City Pathologist or any Food Inspector shall find any meat, animal substance, fish, fruit, vegetables, or any other food product that is blown, meager, filthy, decomposed, diseased, putrid, decayed, unsound, unwholesome or otherwise unfit for consumption, as provided in the foregoing and subsequent sections of this article, he shall have the right and authority to condemn the same as unfit for consumption, and it shall be the duty of such Health Officer, City Pathologist or Food Inspector to so condemn the same and to order such food product removed from the city or to destroy it, or to saturate it with some chemical so that it cannot be offered for sale again, as in his judgment he may deem best, and that any Health Officer, City Pathologist or Food Inspector who shall

violate this article shall be punished by a fine of not less than Five Dollars and not more than Twenty-five Dollars for each offense. (Id., Sec. 16, Par. 11.)

Sec. 540. Diseased Animals Not to Be Brought Into City, Etc.—No person shall bring within the City of Houston, or offer or expose for sale, or sell within said city, any sick or diseased animal or the flesh of any animal which, when killed, was sick or diseased, or that died a natural or accidental death, provided, such animal be an animal commonly used for food purposes. (Code 1904, Art. 401.)

Sec. 541. Penalty—Any person who shall violate any of the provisions of the next preceding section shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) and not more than Two Hundred Dollars (\$200.00). (Id., Art. 423.)

ARTICLE 19.

FOOD PRODUCTS, REGULATING SANITARY CONDITIONS, ETC.

Sec. 542. Condition, Etc., of Buildings, Etc., Used or Occupied for Certain Purposes; Meaning Term "Food"—Every building, room, basement or cellar, occupied by or used as a bakery, confectionery, cannery, packing house, slaughter house, dairy, creamery, cheese factory, restaurant, hotel, grocery, meat market, or other place or apartment used for the preparation for sale, manufacture, packing, storing, sale or distribution of any food, shall be lighted, drained, plumbed and ventilated, and conducted with strict regard to the influence of such condition upon the health of the operatives, employees, clerks or other persons therein employed, and the purity and wholesomeness of the food therein produced; and for the purpose of this chapter the term "food" as used herein shall include all articles used for food, drink, confectionery or condiment, whether simple, mixed or compound, and all substances or ingredients used in the preparation thereof. (Jan. 26, 1914; Ord. Bk. 4, pp. 41 et seq., Sec. 18, Par. 1.)

Sec. 543. Unclean, Unhealthful and Unsanitary Conditions of Establishments, Etc., Manufacturing, Etc., Prohibited; Deemed to Exist, When—The floors, walls, ceilings, furniture, receptacles, implements and machinery of every establishment or place where food is manufactured, packed, stored, sold or distributed, and all cars, trucks and vehicles used in

the transportation of food products, shall at no time be kept in unclean, unhealthful and unsanitary condition, and for the purpose of this chapter unclean, unhealthful and unsanitary conditions shall be deemed to exist if food in the process of manufacture, preparation, packing, storing, sale, distribution or transportation is not securely protected from flies, dust, dirt and as far as may be deemed necessary, by all reasonable means, from all other foreign or injurious contamination; and if the refuse, dirt and the waste products subject to decomposition and fermentation incident to the manufacture, preparation, packing, storing, selling, distributing and transporting of food, are not removed daily; and if all trucks, trays, boxes, baskets, buckets and other receptacles, chutes, platforms, racks, tables, shelves, and all knives, saws, cleavers and other utensils and machinery used in moving, handling, cutting, chopping, mixing, canning and all other processes are not thoroughly cleaned daily, and if the clothing of operatives, employees, clerks and other persons therein employed is unclean. (Id., Sec. 18, Par. 2.)

Sec. 544. Interior Construction, Finish and Condition of Bakeries, Etc.—The walls and ceilings of every bakery, confectionery, creamery, cheese factory, hotel and restaurant kitchen shall be well plastered, wainscoted, or ceiled with metal or lumber, and shall be oil painted or kept well lime-washed, and all interior woodwork in every bakery, confectionery, creamery, cheese factory, hotel or restaurant kitchen shall be kept well oiled or painted with oil paints, and be kept washed clean with soap and water; and every building, room, basement or cellar occupied or used for the preparation, manufacture, packing, storage, sale or distribution of food shall have an impermeable floor made of cement or tile laid in cement, brick, wood or other suitable non-absorbent material which can be flushed and washed clean with water. (Id., Sec. 18, Par. 3.)

Sec. 545. Screen Doors and Windows, When—The doors, windows and other openings of every food-producing or distributing establishment during the fly season shall be fitted with self-closing screen doors and wire window screens of not coarser than fourteen (14) mesh wire gauze. (Id., Sec. 18, Par. 4.)

Sec. 546. Toilet Rooms; Construction; Lavatories and Wash Rooms, Supplied With; Maintained; Operatives, Etc., Shall Wash Hands, When—Every building, room, basement or cellar occupied or used for the preparation, manufacture,

packing, canning, sale or distribution of food shall have convenient toilet rooms separate and apart from the room or rooms where the process of production, manufacture, packing, canning, selling or distributing is conducted. The floors of such toilet rooms shall be of cement, tile, wood, brick or other non-absorbent material and shall be washed and scoured daily. Such toilet or toilets shall be furnished with separate ventilating flues or pipes, discharging into soil pipes, or on the outside of the building in which they are situated. Lavatories and wash-rooms shall be adjacent to the toilet rooms and shall be supplied with soap, running water and towels, and shall be maintained in a sanitary condition. Operatives, employees, clerks and all persons who handle the material from which food is prepared, as the finished product, before beginning work or after visiting toilet or toilets, shall wash their hands and arms thoroughly in clean water. (Id., Sec. 18, Par. 5.)

Sec. 547. Cuspidors Provided and Cared for; Expectoration on Floor or Walls Forbidden—Cuspidors for the use of operatives, employees, clerks or other persons shall be provided whenever necessary, and each cuspidor shall be thoroughly emptied and washed out daily with disinfectant solution, and five ounces of such solution shall be left in such cuspidor while it is in use. No operative, employee or other person shall expectorate on the floor or walls of any building, room, basement or cellar where the production, manufacture, packing, storing, preparation or sale of any food is conducted. (Id., Sec. 18, Par. 6.)

Sec. 548. Living or Sleeping in Work Rooms of Bakery, Etc., Prohibited—No person or persons shall be allowed to live or sleep in any work room of a bakery, kitchen, dining room, confectionery, creamery, cheese factory or place where food is prepared for sale, served or sold. (Id., Sec. 18, Par. 7.)

Sec. 549. Persons Affected With Certain Diseases Not to Work in Buildings, Etc., Occupied or Used for Production, Etc., of Food—No employer shall require, permit or suffer any person to work, nor shall any person work, in a building, room or basement, cellar or vehicle occupied or used for the production, preparation, manufacture, packing, storing, sale, distribution and transportation of food, who is affected with any venereal disease, smallpox, diphtheria, scarlet fever, yellow fever, tuberculosis or consumption, bubonic plague, Asiatic cholera, leprosy, trachoma, typhoid fever, epidemic dysentery, measles, mumps, German measles, whooping cough, chicken

pox or other infectious or contagious disease. (Id., Sec. 18, Par. 8.)

Sec. 550. Health Officer, Etc., Has Power to Enter Buildings, Etc., to Inspect; Duties When Article is Being Violated; City Attorney to Prosecute; Health Officer May Issue Notice to Abate, Etc.; Person Receiving May Appear to Give Reason Why Notice, Etc., Shall Not Be Obeyed—The Health Officer of the City of Houston, or other agents of the Board of Commissioners, shall have full power at all times to enter every building, room, basement, or cellar occupied or used or suspected of being occupied or used for the production for sale, manufacture for sale, storage, sale, distribution or transportation of food, and to inspect the premises and all utensils, fixtures, furniture and machinery used as aforesaid, and if upon inspection any food producing or distributing establishment, conveyance, employer, operative, employee, clerk, driver or other person is found to be violating any of the provisions of this article, or if the production, preparation, manufacture, packing, storing, sale, distribution or transportation of food is being conducted in a manner detrimental to the health of the employees or operatives, or to the character or quality of the food therein produced, manufactured, packed, stored, sold, distributed or conveyed, the Health Officer or the inspector making the examination or inspection shall furnish evidence of said violation to the City Attorney, who shall prosecute all persons violating any of the provisions of this article; provided, however, that as a constructive administration means, under this article, and for such purpose only, the Health Officer may issue a notice to the person or persons in authority at the aforesaid establishment to abate the condition, or to make such improvements as may be necessary to abate it, within a period of such reasonable time as the Health Officer may direct. Such notice shall be in writing and the person receiving such notice may, within five days from the issuance of the notice, appear in person or by attorney, before the Health Officer and the Mayor of Houston to give reason why such notice or instructions shall not be obeyed. (Id., Sec. 18, Par. 9.)

Sec. 551. All Places, Etc., to Be Open to Inspection; Dealers in Food Products Produced, Etc., Outside City, Where Sanitary Inspection Has Been Denied, Subject to Penalties—Any and all places producing, handling, transporting food for sale in the City of Houston, whether located in the city or not, shall, as a requisite for the sale of food in the City of Houston, be open to inspection as provided in this article. And any

person who shall offer for sale in the City of Houston any food products which have been produced or handled outside of the City of Houston, and concerning which sanitary inspection has been denied, as provided in this article, shall, upon conviction, be subject to the penalties provided for violation of provisions of this article. (Id., Sec. 18, Par. 10.)

Sec. 552. Penalty—Any person, firm or corporation or agent who violates any of the provisions of this article shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00). (Id., Sec. 18, Par. 11.)

ARTICLE 20.

CITY MARKET, ETC., REGULATING SANITARY CONDITIONS, ETC.

Sec. 553. Condition Stalls, Etc., in; Must Be Conducted, How; Unsound and Unwholesome Articles, Etc., Not to Be Offered for Sale in; Screens to Be Erected; Power and Duty of Health Officer; City Attorney to Prosecute—Each and every stall in the City Market, and each and every place where any food stuff is offered for sale or distribution, shall be properly lighted, drained and ventilated; and each of said places shall be conducted with strict regard to the sanitary and health conditions of the city, and no meat, fish, fowls, vegetables, fruit or products of any kind shall be offered for sale in said market house that is not wholesome and sound; and all necessary screens shall be erected in and through the market house to protect the food products offered for sale therein from dust and flies.

The Health Officer of the City of Houston shall have full power at all times to enter any stall or place in the City Market where food stuff is offered for sale or assembled for distribution, and shall have the right to inspect said premises, and all utensils, fixtures, furniture and machinery used in connection therewith; and if, upon investigation, any food products or substances offered for sale is found to be unsound or unclean and not good and wholesome food, or if said stall is conducted in a manner detrimental to the health and comfort of the citizens of Houston, the said Health Officer or inspector making the inspection or examination shall furnish evidence of said violation to the City Attorney, who shall prosecute all persons violating any of the provisions of this article. (Jan. 26, 1914; Ord. Bk. 4, pp. 41 et seq., Sec. 17, Par. 1.)

Sec. 554. Penalty—Any person, firm, corporation or agent who violates any of the provisions of this article shall be guilty of a misdemeanor, and shall be punished by a fine of not less than Five Dollars (\$5.00) nor more than Fifty Dollars (\$50.00). (Id., Sec. 17, Par. 2.)

ARTICLE 21.

COLD STORAGE, REGULATIONS GOVERNING.

Sec. 555. Cold Storage Meats, Etc., to Be Branded; Meaning Term "Cold Storage"—All cold storage meats, eggs, poultry, fish, ice cream and other cold storage animal products shall be plainly labeled or branded to show the facts of cold storage to the consuming public. The term "cold storage" shall be construed to mean the storing and preservation of food products by cold. Except, however, such labeling and branding shall not be necessary where the ice or refrigeration is incident to the preservation of the fresh, unstored product from the producer to the customer, and without unnecessary delay. (Jan. 26, 1914; Ord. Bk. 4, pp. 41 et seq., Sec. 19, Par. 1.)

Sec. 556. Must Have Efficient Icing Arrangements, Etc.; Handling of—No retailer shall handle cold storage products or other products required to be preserved with ice, without sufficient icing arrangements or refrigeration therefor. All such products shall not be exposed to warm temperature and shall be handled as otherwise specified in the sanitary provisions of this chapter and the laws of the State. (Id., Sec. 19, Par. 2.)

Sec. 557. Products Once Removed From and Sent Back Cannot Be Sold; Cold Storage Foods Shall Be Delivered Directly; Sale of Certain Products Prohibited—No product shall be served or sold in the City of Houston which has been once removed from cold storage and exposed in the retail markets for sale, and sent back into cold storage; this to include turkeys, chickens and similar products which are taken out, for example, for the Thanksgiving and other markets, and exposed in the retail market, and which, not being sold, are returned to storage for the Christmas or other markets. Cold storage foods shall be delivered direct from cold storage, through proper facilities and sanitary conditions in the retail market, to the consuming public, and the sale of any such product which has been subjected to any condition which would render it contaminated, unwholesome or unfit for food, shall be prohibited. (Id., Sec. 19, Par. 3.)

Sec. 558. Signs and Labeling of Products of; Representations as to Products—The signs and labeling, as specified herein, shall obtain with respect to products coming into Houston between the producer or packer and the wholesale trade, between the wholesale trade and the general public. Restaurants and hotels supplying such stored products shall display signs on the menu, or otherwise, to that effect. No product shall be sold as “fresh,” “strictly fresh” or “from the country,” or by similar description which is a stored product or which is not as represented; nor, on the other hand, shall any product be sold as a cold storage when such is not the case, or which has been so exposed or kept as to deteriorate in quality after leaving cold storage, but shall have such additional facts stated on the signs and labeling in the manner as may be directed by the Board of Health. (Id., Sec. 19, Par. 4.)

Sec. 559. Penalty—Any person, firm or corporation or agent who violates any of the provisions of this article shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00). (Id., Sec. 19, Par. 5.)

ARTICLE 22.

MILK AND FOOD PRODUCTS, CONDEMNATION, ETC.

Sec. 560. Health Officer, Etc., to Tag Adulterated Milk, Etc.; Removal Forbidden; Penalty—Whenever the Health Officer, or any of his employees, shall find any article of milk, meat or other food which is adulterated within the meaning of this chapter, or any other article or substance which is detrimental to public health, such article shall be tagged or otherwise properly marked, giving notice that the product is suspected of being adulterated or detrimental to public health, and warning all persons not to remove the same until given permission by the Health Officer or the courts, and it shall be unlawful for any person or persons, firm or corporation, to remove or otherwise dispose of same, in violation of this section, and any person or persons, firm or corporation doing so shall be fined not less than Ten Dollars (\$10.00) nor more than Fifty Dollars (\$50.00). (Jan. 26, 1914; Ord. Bk. 4, pp. 41 et seq., Sec. 20, Par. 1.)

Sec. 561. Notice Borne by Tag; Procedure to Condemn—Such tag or notice shall give notice that the article has been quarantined. The Health Officer or his employees shall then petition the judge of the Corporation Court for the condem-

nation and destruction of any such product. The owners or defenders of any such product or property shall be given the right to a hearing, first before the Health Officer, if they so desire, and before the court. The notice of a hearing to be before the Health Officer shall also state the length of time within which such hearing may be had. (Id., Sec. 20, Par. 2.)

Sec. 562. Disposition of Property, if Finding is With Health Officer—In case the finding of a court is with the Health Officer, the article shall be destroyed by the Health Department at the expense of the owner of the property, or by the owner of the property under the supervision of the Health Department, and in such case all other costs shall be taxed against the owners or defenders of the property, if such appear, or shall be collected, if no one appear, against the owner or agent properly ascertained. (Id., Sec. 20, Par. 3.)

ARTICLE 23.

PERMITS (MISCELLANEOUS).

Sec. 563. Permits Necessary to Bring Into City Certain Fresh Food Products; Also, to Operate Places Where Such is Produced, Etc.; Also to Operate Soda Fountains, Etc.; How Issued; Shall Be Revoked, When; Notice; Revocation; Permits Issued Annually; Penalty—No person, firm or corporation or agents shall bring any fresh meat, poultry, fish, ice cream, or other fresh meat or meat product into the City of Houston for sale without a permit so to do from the Health Officer; and no person shall operate any place where fresh meat, poultry, fish, ice cream or other fresh meat or meat product is produced, prepared, kept, offered for sale, or sold, in the City of Houston, or any soda fountain, pop or other bottling factory, or other place where foods are produced, prepared, stored, kept, or offered for sale, except foods which, from their method of packing, and by reason of handling in original packages, are not subject to contamination, without a permit so to do from the Health Officer. Such permit shall be issued annually by the Health Officer, free of charge, subject to the approval of the Board of Health and the Board of Commissioners and only upon the Health Officer, Board of Health and the Board of Commissioners being satisfied that the place where any such products are being produced, stored, kept, or offered for sale, is operated and maintained in a condition as provided for in other provisions of this chapter, and that such place has the equipment and method necessary for the main-

tenance of sanitary conditions throughout. And whenever such sanitary conditions as provided in this chapter shall be found not to exist, such permit shall be revoked, provided, however, that before the revoking of such permit the party or parties at interest be given a notice of the conditions complained of, together with statement of a time within which the conditions shall be corrected, and, if, after such notice, conditions are not corrected, then shall the permit be revoked, but the party or parties at interest shall have the right to appeal to the Board of Health, the Board of Commissioners and to the courts. Such permit shall be renewed annually on the first day of April to be valid, and the payment of any license fee to the City of Houston shall not entitle the holder of such license to operate any business for which a sanitary permit is required in this chapter, unless such party or parties also comply with the conditions necessary for the sanitary permit. Any person, or persons, firm or corporation or agents, bringing for sale in the City of Houston, or selling any such products as mentioned in this section without a permit so to do, or after such permit shall have been revoked, shall, upon conviction, be fined not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) for each offense, and each day's time shall constitute a separate offense. (Jan. 26, 1914; Ord. Bk. 4, pp. 41 et seq., Sec. 21, Par. 1.)

ARTICLE 24.

INSPECTION (MISCELLANEOUS).

Sec. 564. Slaughter Houses; Animals for Slaughter, Etc., and Meats Sold—The Health Officer and the meat and milk inspector, acting under his direction, in addition to the inspections provided for in this chapter, shall inspect all slaughter houses, slaughtering meat for sale in the City of Houston. And, until the city provides, by a municipal abattoir, or other means, for meat inspection, shall, as far as possible, inspect all animals intended for slaughter and for sale in the City of Houston and carcasses of same, and all meats sold in the City of Houston under the meat inspection rules and regulations as adopted under the law by the State Board of Health and the director of the Texas Agricultural Experiment Station, with respect to such inspections and the provisions of this chapter applying. (Jan. 26, 1914; Ord. Bk. 4, pp. 41 et seq., Sec. 22.)

Sec. 565. Samples to Be Delivered; Duties of Health Officer, Etc., With Reference to; Shall Not Be Tampered

With—Dairymen and other food dealers, on being tendered the market price, shall deliver to the Health Officer or other authorized agents of the City of Houston, a sufficient sample of food for examination under this chapter. Such Health Officer, or other authorized agents, shall take or know that there has been taken a sample which is representative of the food as actually sold on the market. No dairyman or other food dealer shall treat or in any way tamper with a sample of food delivered to such Health Officer or agents, or in any way provide a sample of milk or other food so treated or tampered with as to have the examination and analysis not show the actual condition of the product as sold in the market. The work of the inspection and examination under this chapter shall in no way be employed so as to give special advantage to any individual or any firm in the sale of foods. The inspectors, bacteriologists, chemists and others operating under this chapter shall, as far as possible, help any dairyman or food dealer in locating the cause of trouble; but any such help or assistance shall not be used for private advertisement, except in cases where the certificate of the Health Officer is required to certify that a product or a process is clean and wholesome. All such help or assistance given one individual or firm shall, likewise, be at the service of all individuals or firms. (Id., Sec. 23.)

Sec. 566. Penalty—Any person, firm or corporation or agents, violating any part of the next preceding section, shall, upon conviction, be fined not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00); and in the case of the dairyman or food dealer, in addition to such fine, he shall be refused a permit to do business in the City of Houston; and in the case of an employee or agent of the City of Houston, in addition to such fine, he shall be discharged from such agency or employment. (Id., Sec. 23.)

Sec. 567. Unlawful to Prevent or Resist Board of Health, Etc., From Entering Building, Etc.; Penalty—It shall be unlawful for any person or persons to prevent the Board of Health, or any member thereof, Chief of Police, or any of his subordinates, City Health Officer, or any health inspector, from entering into any building or inclosure for the purpose of performing and executing any of the powers and duties conferred and enjoined upon said officers, or either of them, by this chapter, or to resist any of said officers in the execution of any of the provisions hereof. Any person offending against any of the provisions of this section shall, upon con-

viction thereof, be punished by a fine not exceeding Fifty Dollars nor less than Ten Dollars. (Id., Sec. 1, Par. 9.)

Sec. 568. Powers of Employees, Etc.—The term Health Officer, whenever used herein with reference to inspections, shall be held to include the inspectors, employees and agents of the Health Department, and they shall have the same power with regard to inspections as the Health Officer. (Code 1904, Art. 424.)

ARTICLE 25.

CONSTRUCTION.

Sec. 569. "Person," How Construed—The word "person," as used anywhere in this chapter, shall be construed to mean any person, persons, firm or corporation or agent who shall commit, or be responsible for the committing, of any acts which are made unlawful therein. (Jan. 26, 1914; Ord. Bk. 4, pp. 41 et seq., Sec. 24.)

Sec. 570. Article or Animal Exhibited, Etc., When—Any article or animal exhibited or offered for sale in any market or elsewhere, as though it was intended for sale, shall be deemed offered and exposed for sale within the intent and meaning of this chapter. (Code 1904, Art. 404.)

ARTICLE 26.

VITAL STATISTICS, ETC.

Sec. 571. Reports of the Birth of Children; Contents; Penalty—That all physicians, surgeons or midwives, who shall attend upon the birth of any child in this city, or in the absence of such professional attendants, the father of such child, or if such child have no father, then its mother shall report the fact of birth, together with the name, sex, color and such other data relating thereto as may be prescribed by the rules promulgated by the State Board of Health, within five (5) days from the time of the birth of said child, said report to be made to the City Health Officer, as hereinafter provided. Any physician, surgeon or midwife, or any parent who shall fail to make the report above provided shall be guilty of an offense, and upon conviction thereof in the Corporation Court shall be fined not less than Five Dollars (\$5.00) nor more than One Hundred Dollars (\$100.00). (Jan. 17, 1910; Ord. Bk. 2, p. 550, Sec. 1.)

Sec. 572. Certificates of Death to Be Filed; Contents; Penalty—Every person acting as undertaker shall file with the City Health Officer a certificate of death and obtain a burial permit from said City Health Officer in each case, including still-births, in which he so engages to act; and all persons furnishing a coffin or box in which to bury the dead shall be included within the term “undertakers.”

It shall be the duty of such undertaker to accurately fill out the death certificate, giving the name, age, sex, nativity and such other “personal and statistical particulars” as may be required; and said undertaker shall obtain from the physician or coroner the answers to questions under the head of “medical particulars” of the death certificate.

Any undertaker who shall fail to file the certificate of death above provided, or who shall bury the body of any deceased person without first obtaining a burial permit from the City Health Officer, shall be guilty of an offense, and upon conviction thereof in the Corporation Court shall be fined in any sum not less than Five Dollars (\$5.00) nor more than One Hundred Dollars (\$100.00). (Id., Sec. 2.)

Sec. 573. Interment or Cremation Prohibited Without Burial Permit; Penalty—It shall be unlawful for any superintendent, sexton, or other person in charge of a place of burial or sepulture, or a place of cremation, to permit the interment or cremation of any body without having first obtained from the undertaker or other person in charge thereof the burial permit therefor furnished by the Health Officer of the City of Houston, and it shall be the duty of said superintendent, sexton, or other person in charge of said place of burial or cremation to retain in place on file and safely keep said permit as a matter of permanent record. Any superintendent, sexton, or other person in charge of any place of burial or cremation who shall permit any body to be buried or cremated without having first been furnished a burial permit, in violation of this section, shall be guilty of an offense, and upon conviction thereof in the Corporation Court shall be fined in any sum not less than Five Dollars (\$5.00) nor more than One Hundred Dollars (\$100.00). (Id., Sec. 3.)

Sec. 574. Body of Person Shall Not Be Interred, Etc., Until Permit From City Health Officer; Transit Permits; Penalty—The body of any person whose death or burial occurs in this city shall not be interred, deposited in any vault or tomb, cremated or otherwise disposed of, or removed or trans-

ported from this city until a permit for burial, removal or other disposition shall have been issued by the City Health Officer of said city, and no such burial or removal permit shall be issued by said City Health Officer until a complete certificate of the death has been filed with him as hereinbefore provided; provided, that a transit permit issued in accordance with the law and health regulations of the place where the death occurred may be accepted by said City Health Officer as a basis upon which to issue said burial permit.

Any person who shall cause or permit to be interred, cremated, deposited in a vault or tomb or otherwise disposed of or removed or transported out of the city the remains of any deceased person without having first obtained the required permit from the City Health Officer shall be fined in any sum not less than Five Dollars (\$5.00) nor more than One Hundred Dollars (\$100.00). (Id., Sec. 4.)

Sec. 575. Physicians and Coroners to Give Death Certificate; Penalty—In event of a death, including still-births, occurring in any case to which any physician is the last in attendance, or in the event a coroner shall hold an inquest to ascertain the cause of death, it shall be the duty of said physician or coroner to promptly and accurately fill out the required form of death certificate, when said death certificate is presented by the undertaker. Any physician or coroner who shall fail or refuse to fill out promptly and accurately the questions in the death certificate, when requested by the undertaker, shall be guilty of an offense, and upon conviction thereof in the Corporation Court shall be fined in any sum not less than Five Dollars (\$5.00) nor more than One Hundred Dollars (\$100.00). (Id., Sec. 5.)

Sec. 576. Where No Physician or Coroner, City Health Officer to Give Certificate—In the event of a death occurring without a physician in attendance, and the services of a coroner not necessary, it shall then become the duty of the City Health Officer to investigate any such case and to issue the certificate of death. (Id., Sec. 6.)

Sec. 577. Certificates of Death and Birth to Be Made on Form Furnished by State Health Board—All certificates of births and deaths shall be made in the manner prescribed, and on the form of certificate as supplied by the State Board of Health. (Id., Sec. 7.)

Sec. 578. Records of Births and Deaths to Be Kept by City Health Officer—It shall be the duty of said City Health

Officer of the City of Houston to record in a well-bound book all births and deaths which are reported to him, together with such statistics and data as shall be furnished him by the birth certificate and death certificate before mentioned. And it shall be the duty of said City Health Officer to transmit all such original birth and death certificates received during the preceding month to the State Registrar of Vital Statistics at Austin, Texas, on or before the 10th day of the month following. (Id., Sec. 8.)

Sec. 579. Examination and Record to Be Made by Undertakers of Certain Bodies Prepared for Burial—That it shall be unlawful for any person, firm or corporation, their agents, servants or employees, or any member of any firm, or any officer or director of any corporation engaged in the undertaking business in the City of Houston to prepare for burial, or to suffer or permit their agents, servants or employees to prepare for burial, the body of any unidentified dead person, or the body of any known person who has met death by unlawful violence, or who has died under circumstances leading to the suspicion of foul play or circumstances indicating self-destruction, unless the examination and record hereinafter required shall be made and kept in a permanent form by such undertaker or the agents, servants or employees in charge of such business. (Dec. 15, 1913; Ord. Bk. 3, p. 572, Sec. 1.)

Sec. 580. Record in Case of Body of Unidentified Dead Person; Contents, Etc.; Notice to Health Officer, When—It shall be the duty of every undertaker in the City of Houston, whether a person, firm or corporation, and their agents, servants and employees, who shall handle the body of an unidentified dead person to make and keep a complete permanent record thereof, which record shall show the date of taking charge of said body; shall contain a description of the appearance of the body when turned over to such undertaker; the race and color, if determinable; the apparent age; the height and weight; color of hair and eyes; condition and appearance of the teeth; all physical peculiarities, deformities, scars or birthmarks; whether or not any members are missing, and if so, what; all marks of violence, abrasion, contusion and wounds, if any, visible upon the body, giving the nature, extent and exact location thereof and the probable means of inflicting the same; the size of the shoes worn; the color, make and condition of the clothing, and an enumeration of all papers, letters and personal effects such as money, glasses, watches, rings or other jewelry, knives or weapons of any kind

found upon such person, all of which clothing and personal effects shall be turned over to the Chief of Police upon demand. If any evidence of poisoning exist, the City Health Officer shall be notified, and if he so recommend, the viscera of such person shall be removed and turned over to such officer. Such record shall in all cases state that the party making same has made a complete examination of said body and clothing, and has set down all facts ascertained by him in such examination, that the same are true and correct, and that he has made every reasonable effort to discover the name and relations of the dead person. The name of each person or persons giving to such undertaker any information concerning such dead person and the nature of such information shall also be stated. (Id., Sec. 2.)

Sec. 581. Record in Case of Known Dead Person in Certain Cases; Contents; When Report to City Health Officer—

It shall be the duty of every undertaker, their agents, servants and employees in the City of Houston, who shall handle the body of any known dead person who has met death by unlawful violence, or who has died under circumstances such as to arouse suspicion of foul play, or circumstances indicating self-destruction, to make and keep a complete permanent record thereof, which shall contain the name of the dead person, the date of taking charge of the body; the appearance of the body, the nature, extent and exact location of all marks of violence, abrasions, contusions or wounds visible upon the body, and the apparent means by which the same were inflicted. If any evidences of poisoning exist, the undertaker shall immediately notify the City Health Officer, and if such officer so recommends, the viscera of such dead person shall be removed and turned over to the officer for examination. All personal effects found upon the body shall be carefully enumerated and turned over to the Chief of Police upon demand. (Id., Sec. 3.)

Sec. 582. Hospitals, Etc., to Keep Certain Permanent Records; Contents; Examinations to Be Made and Signed by Whom—

It shall be the duty of every person, firm or corporation, their agents, servants and employees, engaged in operating any hospital, infirmary, sanitarium or institution of similar character in the City of Houston to make and keep a complete permanent record of every person who shall receive treatment in said institution, and the date, nature and duration and final result of such treatment, and if any of such persons are suffering from any injury by unlawful violence, or are suffering from poisoning, a full description of such injury or in-

juries, or of the effects of such poisoning shall be given, setting forth the nature, extent and exact location of all marks of violence, abrasions, contusions or wounds visible upon the body, and, in case of poisoning, shall state the nature and effect thereof, and shall determine, if possible, the drug used. The name of the person inflicting such unlawful injury or administering such poison shall be obtained, if possible, and recorded. And if any unidentified person shall die in any such hospital, infirmary, sanitarium or other institution in this city from any cause or causes whatsoever, or if any person whose name is known to the authorities of such institution shall die therein from injuries inflicted by unlawful violence, or under circumstances leading to the suspicion of foul play, or circumstances indicating self-destruction, then the examination and record hereinbefore required to be made by undertakers shall in all such cases be made by one or more physicians attending upon said institution. All examinations and records herein required to be made of persons treated in hospitals, infirmaries, sanitariums or other institutions shall be made by the physician or physicians in charge of the particular cases and shall be signed by him, or them, stating that a complete examination and record has been made, and shall contain the name of the person or persons requesting treatment for any patient, and shall state the name of the undertaker to whom the dead body is delivered and the date of such delivery. (Id., Sec. 4.)

Sec. 583. Undertakers Shall Not Bury, Etc., in Certain Cases Unless Examination and Record Has Been Made; Monument, Etc.—It shall be unlawful for any person, firm or corporation, their agents, servants and employees engaged in the undertaking business in this city, or any member of said firm, or any officer or director of such corporation, to bury, or suffer, permit or order the burial of by the agents, servants or employees, or any other person for them, the body of any unidentified person in the Potter's field, or in any cemetery in this city unless the examination and record hereinbefore required shall be made; provided, further, that in said record shall be entered the date of burial and the place, giving the lot number of the particular place of burial; and provided, further, that no such person shall be buried by any undertaker unless there shall be placed at his grave a monument sufficiently indestructible to remain for a period of one year, which shall contain a number corresponding to that of the body in such undertaker's record, the name of the undertaker and the

date of burial in legible form upon such monument. (Id., Sec. 5.)

Sec. 584. Penalties—Any person, firm or corporation and any member of any firm, and any officer or director of any corporation engaged in the business of undertaking in the City of Houston or engaged in operating any hospital, infirmary, sanitarium or other such institution in this city who shall violate any of the provisions of the next preceding five sections to be observed by him or it, or who shall suffer or permit the agents, servants and employees of such person, firm or corporation to violate any of the provisions of such sections, and any physician or physicians charged with the duty of keeping the records herein required who shall fail or refuse to keep such records, or who shall violate any of the provisions of the next preceding five sections to be observed by him, shall be deemed guilty of an offense and upon conviction thereof shall be fined in any sum not less than Fifty Dollars nor more than Two Hundred Dollars. (Id., Sec. 6.)

Sec. 585. Policemen and Peace Officers to Keep Complete Permanent Record in Certain Cases; Penalty—It shall be the duty of every policeman, and all other peace officers in the City of Houston, who shall discover or handle the body of any unidentified dead person, or any known dead person, who has met death by unlawful violence, or under circumstances leading to the suspicion of foul play, or under circumstances indicating self-destruction, to make and keep a complete permanent record showing the exact date thereof, the place of discovering said body, the name or names and addresses of persons, if any, giving information leading to such discovery, the name of the undertaker or other person to whom said body shall have been turned over; and it is also made the duty of every policeman, or other peace officer in this city, who shall handle any person who has been injured by means of unlawful violence, or under circumstances leading to the suspicion of foul play, or circumstances indicating an attempt at self-destruction, to make an examination of the wounds or other injuries of such person and to keep a complete permanent record thereof, which shall show the name of such person and the nature, extent and exact location of such injuries, or the nature and effects of any poison, and shall ascertain the names and addresses of all witnesses obtainable. Any policeman, or other peace officer in the city, who shall violate this section shall be fined not less than Fifty Dollars nor more than Two Hundred Dollars. (Id., Sec. 7.)

Sec. 586. All Records to Be Produced for Inspection Upon the Order of Certain Officers; Penalty—All records of unidentified dead persons, persons meeting death by unlawful violence, or dying under circumstances leading to the suspicion of foul play or self-destruction, persons treated in any hospital, infirmary, sanitarium or other such institution, and persons injured by means of unlawful violence, kept by any person, firm or corporation engaged in the business of undertaking in the City of Houston, or kept by any person, firm or corporation engaged in operating any hospital, infirmary, sanitarium or other such institution, or by any physician therein, or by any policeman, or other peace officer in the City of Houston, shall at all times be produced for inspection upon the order of the Mayor or Chief of Police or the judge of any court in Harris County, or the Criminal District Attorney of Harris County; and any person, firm or corporation, or any member of any firm, or any officer or director of any corporation, who shall fail or refuse to produce said records upon the order of any of the above officers, or who shall suffer or permit their agents, servants or employees so to do, and any such agent, servant or employee charged with keeping such records who shall fail to comply with the provisions of this section shall be deemed guilty of an offense and upon conviction thereof shall be fined in any sum not less than Twenty-five Dollars nor more than Two Hundred Dollars. (Id., Sec. 8.)

CHAPTER XXI.**Labor.**

Sec. 587. What Constitutes a Day's Labor—That eight (8) hours of actual service shall constitute a day's work for all unskilled labor who may be employed by the City of Houston, or who may be hereafter employed by contractors or sub-contractors doing city work under contract with said City of Houston. (May 7, 1910; Ord. Bk. 2, p. 553, Sec. 1.)

Sec. 588. Ordinance to Be Condition of Contracts, Etc.—In all specifications and contracts for public work to be done by the City of Houston this chapter shall be made one of the conditions of same. And each contractor in submitting his bid and accepting the award of the contract shall be deemed to have done so with the distinct understanding that eight (8) hours of actual labor shall constitute a day's work for all unskilled labor employed by him. And no unskilled laborer shall be compelled, against his own wishes, to perform more than eight (8) hours of actual labor in any one day. Should any emergency arise at any time making it necessary to work more than eight (8) hours a day, such unskilled laborer shall be entitled to pay for said excess over and above eight (8) hours, as may be agreed upon between such laborer and his employer. (Id., Sec. 2.)

Sec. 589. Penalty—Any head of a department or foreman of the City of Houston, or any contractor or sub-contractor doing work for the City of Houston under a contract with said city, who shall compel any unskilled laborer against his will to perform more than eight (8) hours of actual service for a day's pay shall be guilty of an offense, and upon conviction thereof in the Corporation Court shall be fined in any sum not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00). (Id., Sec. 3.)

CHAPTER XXII.

Legal Department.

Sec. 590. City Attorney, How Appointed, Etc.—There shall be a City Attorney, who shall be appointed by the Mayor and confirmed by the City Council, and who shall serve not exceeding two years, unless reappointed, and be subject to removal at any time by the Mayor or City Council. (July 25, 1905; Ord. Bk. 2, p. 224, Sec. 1.)

Sec. 591. Duties of City Attorney—It shall be the duty of the City Attorney, personally or by deputy, to represent the city in all legal matters, unless otherwise provided by the City Council; to advise the Mayor and City Council, and the heads of departments, officers and employees of the city, whenever called upon by them to do so, and to represent the city in the Corporation Court. (Id., Sec. 2.)

Sec. 592. Salary—The City Attorney shall receive a salary of Four Thousand Dollars (\$4000.00) per annum, payable in equal monthly installments, unless otherwise provided by the Mayor and City Council. (Id., Sec. 3.)

Sec. 593. Assistants to City Attorney, Etc.—The City Attorney shall be allowed such assistants as in the opinion of the Mayor and City Council are necessary, who shall receive such compensation as may be fixed therefor; said assistants shall perform such duties and render such service as may be required by the City Attorney, the Mayor, or City Council. (Id., Sec. 3.)

CHAPTER XXIII.**Library.**

Sec. 594. City to Appropriate \$4000 Annually—The City of Houston, in consideration of the premises as shown in resolution of record in ordinance books, agrees and undertakes to appropriate each year at least Four Thousand Dollars from its revenues, for the maintenance and support of the Houston Lyceum and Carnegie Library Association, upon the conditions, however, hereinafter set forth. (Code 1904, Art. 893.)

Sec. 595. Disposition of Moneys Received—The Houston Lyceum and Carnegie Library Association shall keep an account of all moneys received by it from the city, and shall use such moneys only for the purpose of paying operating expenses of library conducted by said Association in the discretion of said Association. (Id., Art. 894.)

Sec. 596. Hours to Be Kept Open—The said Houston Lyceum and Carnegie Library Association shall, after its library building is completed, keep its said library open during each day and until at least ten o'clock each night, Sundays excepted, and from two o'clock p. m. until eight o'clock p. m. on Sundays. (Id., Art. 895.)

Sec. 597. No Charge to Be Made for Use of Books—No charge shall be made for the use of any books, periodicals, pamphlets, instruments or apparatus in the library of or belonging to said Association, except such as may be prescribed by the Board of Trustees as necessary for the protection and preservation of same from loss or mutilation. (Id., Art. 896.)

Sec. 598. Books of Account to Be Kept by Board of Trustees—The Board of Trustees of the Houston Lyceum and Carnegie Library Association shall provide a set of books, in which shall be kept a careful and accurate account of all its receipts and expenditures, and also of all books, periodicals, manuscripts, furniture, furnishings, instruments, apparatus or other property purchased by or donated to it, and a full and accurate account and history of its acts and doings in the management and control of the Association; and all of said books and accounts shall be at all reasonable times open to the inspection of the Council of the City of Houston, or its

Library Committee, or any of its authorized representatives. (Id., Art. 897.)

Sec. 599. Standing Committee in Council—Every two years there shall be appointed, in the same manner as other committees, three members of the City Council, to constitute a Library Committee, and the Council may fill any vacancy in said committee. It shall be the duty of said committee to visit the library of the Houston Lyceum and Carnegie Library Association at least once each month, to inspect its books and accounts, and see that the provisions of this chapter are faithfully executed, and to report to the City Council any failure on the part of said Association to properly care for and keep open said library, or any failure to provide suitable books therefor, or any misapplication or misappropriation of any of its funds. (Id., Art. 898.)

CHAPTER XXIV.

Market House, Etc.

Article 1.—Creation, Government, Etc.

2.—Market Master.

3.—Inspection Country Produce, Etc.

ARTICLE 1.

CREATION, GOVERNMENT, ETC.

Sec. 600. Proper and Only Places—The Market House of the City of Houston, and such other places as may be established by the City Council, shall be the proper and only places for the sale of such articles or produce as is usually sold in a city market, and only such as shall hereinafter be defined. (Code 1904, Art. 459.)

Sec. 601. Market Hours; Penalties for Violating—The market hours for the sale of bread, meat, vegetables and other marketables by those who rent stalls, stands or privileges in the Market House shall be from 4:00 o'clock a. m. until 9:00 o'clock p. m., except on Sundays, when they shall not keep open for business later than the hour fixed by law.

The market hours for the sale of articles of produce, etc., in, about or under the vegetable shed on Preston Avenue by those persons obtaining permits to use such places as hereinafter provided, shall be from 4:00 o'clock a. m. until 9:30 o'clock a. m. daily, except Saturdays and days next preceding legal holidays, upon which days the hours shall be from 4:00 o'clock a. m. until 9:00 o'clock a. m., and from 2:00 o'clock p. m. until 9:00 o'clock p. m., and nothing shall be sold by said persons in, about, or under said vegetable shed, or on the afore-said market square, except within the hours herein provided.

Any person violating any of the provisions of this section shall, upon conviction thereof in the Corporation Court, be fined not less than One Dollar (\$1.00) nor more than Fifty Dollars (\$50.00) for each and every offense; and it is hereby made the special duty of the Market Master to see that the provisions of this article are properly enforced. (Amendment May 1, 1911; Ord. Bk. 3, p. 29, Sec. 1; also amended Aug. 18, 1913; Ord. Bk. 3, p. 412, Code 1904, Art. 460.)

Sec. 602. Preston Avenue, Etc., Additional Places for Sale Vegetables, Etc.—That Preston Avenue and Congress Avenue and Travis Street and the sidewalks abutting on the market square in the City of Houston, Harris County, Texas, be, and the same are hereby fixed and established as additional space for the sale of vegetables, etc., during and between the hours of 4:00 o'clock a. m. and 9:00 o'clock a. m. (Aug. 18, 1913; Ord. Bk. 3, p. 412, Sec. 1.)

Sec. 603. Market Master to Control; May Establish Rules, Subject to Approval—That the Market Master of the City of Houston and his assistants shall have charge and control of said streets and avenues and the sidewalks abutting on the market square hereby fixed and established as additional space for the sale of vegetables, produce, etc., and the Market Master may establish all such rules and regulations as may be necessary for the government and control of those occupying such space, and fixing the space to be occupied by each, subject to the approval of the Mayor and City Aldermen. (Id., Sec. 2.)

Sec. 604. Construction of Wagons; Power Market Master Refuse Privileges—That all wagons, carts and other vehicles so occupying space on said streets abutting on said Market Square shall be constructed with movable tongues or shafts, or so that the tongue or shaft may be made to stand perpendicular, and the Market Master shall refuse any privileges hereunder to any person or vehicle that is not so constructed, or that unnecessarily impedes traffic. (Id., Sec. 3.)

Sec. 605. Unlawful to Sell Between Certain Hours; Other Unlawful Acts—That it shall be unlawful for any person, firm or corporation to sell any such vegetables, produce, etc., in said streets so abutting on the Market Square during or between any other hours than those named herein, or to place any wagon, cart, or other vehicle in any other place or position than that allotted to him by the Market Master, or to place any wagon, cart or other vehicle in any place or position on said street prior to 4:00 o'clock a. m., or to permit or allow the same to remain there after 9:00 o'clock a. m., or to feed any animal on said street while occupying the same, or to fail to remove from any wagon, cart or vehicle the tongue or shafts, or to leave the same perpendicularly if the same is not removable, or to drop or leave any refuse, decayed or remnants of vegetables or produce or other article displayed

for sale on the streets or sidewalks so abutting on the Market Square after 9:00 o'clock a. m. (Id., Sec. 4.)

Sec. 606. Penalty—Any person, firm or corporation or agent, employee or receiver thereof, violating any of the provisions of the next four preceding sections, shall, upon conviction be fined in any sum not less than One Dollar (\$1.00) nor more than Fifty Dollars (\$50.00) for each and every offense, and it is hereby made the special duty of the Market Master to see that the provisions of this section are fully enforced. (Id., Sec. 5.)

Sec. 607. Market Hours for Cleaning Fish—It shall be unlawful to gut, clean or dress fish that are sold, kept or offered for sale in the City Market or elsewhere in the City of Houston except between the hours of 3 a. m. and 10 a. m. Any person, firm or corporation engaged in the business of selling or offering for sale fish in the City Market or elsewhere in the City of Houston, any member of such firm and officer or director of such corporation who shall gut, clean or dress fish or who shall suffer, permit or order his or its agent, servant or employees or any other person for his benefit so to do, and any agent, servant or employee or any other person who shall gut, clean or dress fish sold, kept or offered for sale in the City Market or elsewhere in the City of Houston, except between the hours of 3 a. m. and 10 a. m., shall be guilty of an offense and, upon conviction, shall be punished as provided in Section 609. (Amendment Dec. 17, 1913, Ord. Bk. 3, p. 579, Sec. 1.)

Sec. 608. Must Remove Refuse Matter—All persons who shall, within the hours above named, gut, clean or dress fish, shall be required to take up the refuse matter from said cleaning, and carry the same outside the city limits by 10 o'clock a. m. of each day, except Saturday evenings, on which evenings they shall have until 9 p. m. to so remove same. (Code 1904, Art. 462.)

Sec. 609. Penalty—Any one who shall violate any provision of the two next preceding sections shall be fined not less than Five Dollars (\$5.00) nor more than Twenty-five Dollars (\$25.00). (Id., 463.)

Sec. 610. Unlawful to Sub-let or Sub-lease Stall or Stands or Privileges; Penalties—It shall be unlawful for any person or persons renting or leasing a stall or stand or privilege in the Market House, to sub-let or sub-lease the same without

the consent of the Market Master, or to in any manner speculate in said stalls, stands and privileges by leasing or renting same and permit other persons to conduct business therein in the name of such lessee for the purpose of evading this article. Any person or persons violating any of the provisions of this section shall thereupon immediately forfeit his lease to the stall, stands or privilege, and the person to whom the stall, stands or privilege are so sub-let or sub-leased, shall acquire no right under the same, and the City of Houston shall have the right to take immediate possession of such stall, stand or privilege, so sub-let or sub-leased. (Id., Art. 465.)

Sec. 611. Aisles and Passageways of Said Market to Be Kept Clear—It shall be the duty of the Market Master to see that the aisles and passageways in the market are kept clear of all boxes, barrels or other receptacles for fruit, vegetables or merchandise, and of all other impediments to free passage from one part of the market to another, and he shall see that all the wares of the lessees of stalls or stands are kept within the limits of such stall or stand; and should any such lessee of a stall or stand encumber the passageways of the market with his wares, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not less than One Dollar (\$1.00) nor more than Five Dollars (\$5.00). (Id., Art. 466.)

Sec. 612. What May Be Sold—Bread, notions and confections and all varieties of fresh meat, fish, fowl, game, eggs, country butter, vegetables, fruits, melons and other products of the farm, dairy, poultry yard, garden or orchard, may be sold in the market during market hours. (Id., Art. 467.)

Sec. 613. Rates at Which Stalls, Stands and Privileges Shall Be Rented—The several stalls, stands and privileges in the Central Market House shall be rented and leased by the Market Master, subject to all rules and regulations now in force, or as may be prescribed from time to time by the Mayor or City Council, and all leases or rental contracts shall run from month to month, revocable at the pleasure of the Mayor or City Council, and at such price or rentals as may be fixed for the several stalls, stands or privileges by the Mayor or City Council. All moneys due for rentals, leases and privileges shall be payable in advance by day, week or month, and the following rates shall be charged for the things hereinafter specified until otherwise changed by the Mayor or City Council:

To sell produce, etc., in, under or about the vegetable shed, or on Preston Avenue, abutting the Market Square, per day, during the market hours, twenty-five cents; provided, such license shall entitle the holder to sell on any street of the city during said hours, except within the prescribed limits, within six blocks of corner of Main Street and Preston Avenue.

To sell produce, etc., in, under or about the vegetable shed, or on Preston Avenue, abutting the Market Square, on Saturday afternoon, or afternoons of days preceding legal holidays, during market hours, twenty-five cents per afternoon.

For other outside privileges, the rate may be fixed by the Finance Committee of the City Council, to be collected by the Market Master, as are licenses due for other privileges; provided, that such privileges shall be granted for a period of time not longer than one month. (Amendment Aug. 14, 1905, Ord. Bk. 2, p. 233, Sec. 1.)

Sec. 614. Peddlers Prohibited from Certain Limits; Penalties—That all peddlers or venders of fruit and vegetables, carrying the same either on foot or in vehicles, are hereby prohibited from selling their produce on the streets or sidewalks within a distance of six blocks from the intersection of Main Street with Preston Avenue; this section, however, not to apply to parties having market privileges on Market Square. Any person violating the provisions of the foregoing sections shall, upon conviction, be fined in any sum not less than One Dollar (\$1.00) nor more than Twenty-five Dollars (\$25.00). (Code 1904, Art. 469.)

Sec. 615. May Leave Meat in the Market—During the months of November, December, January, February and March, butchers and others may leave meat and produce in the Market from day to day. (Id., Art. 470.)

Sec. 616. License Does Not Authorize Peddling—The Market license shall not be construed to authorize persons to peddle produce after market hours through the streets. (Id., Art. 472.)

Sec. 617. License Must Be Paid—No person shall be permitted to sell wares or other marketable produce in any part of the city during market hours without first having paid Market license. (Id., Art. 472a.)

Sec. 618. Appurtenances Shall Be Returned in Good Condition; Signs—All occupants of stalls or stands must return same with fixtures thereto, in as good condition as when

received by them; and every occupant of a stall or stand shall have his or their name painted on a uniform tin or wooden sign, under the supervision of the Market Committee, and place same in a conspicuous place over the stall or stand occupied by him or them, and a failure or neglect to do so for one week shall be deemed an offense and punished as hereinafter provided. (Id., Art. 473.)

Sec. 619. Stalls and Stands Must Be Cleansed; Loitering or Lounging In or About the Market House Forbidden—With in half an hour immediately after closing the Market, the occupants of stalls or stands must scrape, wash and cleanse the same; and all persons are prohibited from sitting, standing or lying in or about the stalls or stands of the Market House, or from going or remaining in the Market in a state of intoxication, or sitting, lounging in or about the market place. (Id., Art. 474.)

Sec. 620. Articles Which Shall Not Be Offered for Sale—No person shall sell, offer or expose for sale, any unwholesome meat, or the flesh of any animal which was killed, wounded, overheated or run down by dogs or otherwise, at or before the time the same was slaughtered, or which died of disease, accident, casualty or other means than the usual mode of slaughtering animals for food; nor shall any person sell or offer for sale in the markets any putrid, blown or unsound meat, fish, eggs, poultry, vegetables or fruit, or unwholesome or adulterated articles for either food or drink. Nor shall any person sell, offer or expose for sale the flesh of any dog, cat or other unclean animal; nor the flesh of any calf, pig or lamb which was slaughtered under the age of two months. (Id., Art. 475.)

Sec. 621. What Is Not Permitted—No person shall ride, drive or lead or place any horse, dog or other animal in or upon the market place, or foot ways pertaining thereto, or kill or slaughter any animal in the Market, or throw, leave or deposit any animal or vegetable offal, filth, meat, dead animal, fowl, fish or other noxious, stinking or putrid substance in the Market House, or in the market place, streets or sidewalks adjoining said Market or other market places. (Id., Art. 476.)

Sec. 622. Selling Liquor and Peddling Forbidden—It shall be unlawful to sell or offer for sale in the Market building, any spirituous, vinous or malt liquors in any form whatever, and no peddler shall be allowed to traverse the Market offering any goods or commodity for sale. (Id., Art. 477.)

Sec. 623. No Structure Permitted; Exception.—No structure shall be made in or about the Market House except by permission of the City Council, and then only under the supervision of the Chairman of the Market Committee. Any structure made in violation of the provisions of this section shall be removed. (Id., Art. 478.)

Sec. 624. Receptacles for Refuse Matter, Etc.—The Market Master shall furnish a sufficient number of water-tight barrels, boxes or tubs, to be paid for by him out of the revenues of the Market, after approval by the Market Committee, and all occupants of stalls or stands are strictly required to throw the offal, filth, washings and refuse matter from the same into the barrels, boxes or tubs so furnished, and no offal, filth, washings or refuse matter shall be thrown, left or placed on the Market floor, or in the streets or in the gutters surrounding the Market House. (Id., Art. 479.)

Sec. 625. City Carts to Remove Offal.—All accumulation of offal, filth, washings and refuse matter shall be removed by the city carts, under the direction of the Market Master, immediately after market hours, and all vessels for the reception of such refuse matter must be kept outside of the market building, on the side next to Milam Street. All occupants of fish stands shall remove offal, filth, washings and refuse matter from the Market House at their own expense. (Id., Art. 480.)

Sec. 626. Unnecessary Articles Prohibited.—Only such things as are actually needed to preserve, contain or protect the articles designed for sale shall be allowed to be kept within the Market House during market hours.

Sec. 627. Additions or Improvements.—All additions to, or improvements in, the stalls or stands in the Market, which may be permitted by the City Council, shall be at the expense of the occupant thereof. (Id., Art. 482.)

Sec. 628. Unlawful to Hitch Animals to Awnings.—It shall be unlawful to hitch or tie any horse or other animal to the pillars or awnings of said Market House. (Id., Art. 483.)

Sec. 629. Profanity, Quarreling or Boisterous Language Forbidden.—It shall be unlawful for any person or persons to curse, or swear, or quarrel, or use indecent or vulgar language, or violent or loud or boisterous conversation in or about the Market. (Id., Art. 484.)

Sec. 630. Standing in Doorways or Blockading the Entrances Forbidden—It shall be unlawful for any person to stand or lounge in or about the doorways or entrances of the Market House, and any person so offending shall be punished as hereinafter provided. (Id., Art. 485.)

Sec. 631. Dress of Butchers and Assistants, Etc.—Butchers and their assistants shall appear in their stalls with clean white aprons, and renters of stalls or stands are prohibited from bringing or keeping any one in the Market under the age of ten years as an employee. (Id., Art. 486.)

Sec. 632. Damaging or Defacing the Market House and Ornaments—It shall be unlawful for any person to injure or destroy, disfigure or deface the Market House or Market Square, or any portion thereof, or any improvement or ornament therein contained. (Id., Art. 487.)

Sec. 633. Coffee Stand and Restaurants—The Market Master is authorized to lease not exceeding two stands or stalls for coffee and restaurant purposes, the same to be leased as other stalls and stands. (Id., Art. 490.)

Sec. 634. Character of Goods, Etc., to Be Kept—Any person, firm or corporation renting any stall, stand or privilege in the Market House of the City of Houston shall be permitted to keep only such character of goods, wares, merchandise or articles at such stall, stand or privilege as may be designated and named by the Market Master and Market Committee of the City Council and Mayor, a majority of whom are authorized to act. (Amendment Feb. 27, 1905, Ord. Bk. 2, p. 169, Sec. 1.)

Sec. 635. Those Refusing to Comply, to Vacate; Penalty—Any person or any member of any firm, or any manager or other officer in any manner in control of or managing any corporation, who shall fail or refuse to comply with any rule or order made, adopted or promulgated by said Market Master and the Market Committee of the City Council and Mayor, as provided in Section 634, shall forfeit any and all right to such stall, stand or privilege, and shall immediately vacate the same, and in addition thereto shall, upon being convicted of having violated any such rule or order, be punished by a fine not less than Five Dollars (\$5.00) nor more than Twenty-five Dollars (\$25.00). (Id., Sec. 2.)

Sec. 636. Market Master to Furnish Receipts and Keep Stub-book—The Market Master shall furnish to every per-

son renting a stall or stand or privilege for any part of a month, or for any time less than a month, a receipt in ink, stating the date, length of time for which such stall, stand or privilege is rented, and the amount paid therefor, and which shall be signed officially by the Market Master. Such receipt shall also be numbered by commencing the first receipt No. 1, and so on, and the stub shall be kept by the Market Master in a book so as to correspond with such receipt. (Code 1904, Art. 492.)

Sec. 637. The Receipt to Be Posted; Duty of Officers—Such receipt when given by the Market Master shall be kept secure and publicly posted at the stall or stand or privilege so rented during all of the time covered by such receipt; and any person who shall occupy such stall, stand or privilege, or who shall offer to sell any goods, commodities or merchandise in such stall, stand or privilege, at any time without having a receipt covering such time so posted, shall be guilty of an offense under this chapter and shall be punished accordingly. It is hereby made the special duty of the Market Master, Chief of Police and police force to see that such receipt is so posted, and no stall, stand or privilege used without the same. Said Market Master shall also furnish the Chief of Police a list of all persons renting stalls, stands or privileges by the month. (Id., Art. 493.)

Sec. 638. Penalty—Any person found guilty of violating or evading any of the provisions of this chapter, for which a penalty is not provided, shall be fined a sum not exceeding One Hundred Dollars (\$100.00) and not less than Five Dollars (\$5.00), and costs of prosecution. And it is specially enjoined on the Market Committee, the Chief of Police and Market Master and police officers to see that all the provisions of this chapter are strictly observed and enforced. (Id., Art. 494.)

ARTICLE 2.

MARKET MASTER.

Sec. 639. Market Master and His Duties—There shall be appointed by the Mayor, subject to the confirmation of the City Council, a Market Master and Inspector of the Market House and markets, who shall hold office at the pleasure of the City Council, and whose duty it shall be to superintend the Market Square and building in all its departments; collect all rents and other market dues; see that the building and everything appertaining thereto is kept in good order at all

times, and that no slops or garbage of any kind is thrown about the building or Market Square. He shall act as inspector of the markets, and see that no unsound or unwholesome meats, vegetables, fruits, fish or other product are offered for sale in the markets, and shall verify weights and measures when called upon so to do. (Id., Art. 495.)

Sec. 640. Shall Have Charge of and Care for the Building—He shall have charge of, and it shall be his duty to care for the main hall; lecture room, towers and clock, and all water and gas pipes and fixtures in and about the building, and shall see that the gas is properly turned on and off at proper times throughout the entire building, and shall see to the safety of all such fires as are allowed in the same; and he, or some one employed by him, shall at all times during market hours be on duty at the Market House. (Id., Art. 496.)

Sec. 641. Market to Be Cleaned—The Market Master shall see that the Market and sidewalks bordering on same and vegetable shed are swept daily and washed at least once per week. (Id., Art. 497.)

Sec. 642. Shall Give Bond—He shall give a good and sufficient bond in the sum of Three Thousand Dollars (\$3000.00) for the faithful performance of his duties, which bond shall be approved by the City Council. (Id., Art. 498.)

Sec. 643. Suspension for Neglect, Etc.—For any malfeasance or misfeasance in office, inattention to business or neglect of any of his duties, he may be suspended by the Market Committee until action can be had by the Mayor, and he shall be at all times subject to the control of the Mayor and Market Committee, and the term of his office may be determined and terminated at any time by the Mayor or City Council. (Id., Art. 499.)

Sec. 644. Shall Have Police Power—He is hereby invested with all the powers and authorities of policemen, for the preservation of good order at and about the Market. (Id., Art. 500.)

Sec. 645. Office Hours of Market Master; Shall Personally Attend—It is hereby made the duty of the Market Master to be in his office in the Market House during the hours from 4 o'clock a. m. to 10 o'clock a. m. on all days except Saturdays and days preceding legal holidays, on which said days he shall be present in addition to the foregoing hours, from 1 o'clock p. m. to 9 o'clock p. m. (Id., Art. 501.)

Sec. 646. Unlawful to Pursue Other Occupation—It shall be deemed unlawful for the Market Master to pursue any other vocation, and he shall personally attend to the duties of his office, except in case of sickness or when excused by the Market Committee. Any violations of the provisions of this section shall *ipso facto* work a forfeiture of the office. (Id., Art. 502.)

ARTICLE 3.

INSPECTION OF COUNTRY PRODUCE.

Sec. 647. Unlawful to Peddle Country Produce, Etc., Unless Inspected—It shall be unlawful hereafter for any person, firm or corporation to peddle from door to door upon the streets of the City of Houston fruits, vegetables and other country produce unless same has been inspected by the Market Master of the City of Houston. (May 6, 1909, Ord. Bk. 2, p. 379, Sec. 1.)

Sec. 648. Hours of Market Master for Inspection—It shall be the duty of the Market Master of the City of Houston to be and remain upon the Market Square from 6 a. m. to 9 a. m. each day, Sunday excepted, there to inspect all fruits, vegetables and country produce to be offered for sale from door to door on the streets of the City of Houston. (Id., Sec. 2.)

Sec. 649. Inspection Certificate; Fee—That said Market Master shall issue from day to day an inspection certificate to the owner or driver of each wagon, stating that the said goods have been inspected and are wholesome for consumption as food for human beings and said Market Master shall collect a fee of twenty-five cents (25c) for each certificate issued. (Id., Sec. 3.)

Sec. 650. Market Master to Inspect Stocks of Goods Peddled; Condemned When—That the said Market Master is hereby authorized and it shall be his duty to inspect stocks of goods being sold by peddlers from door to door at any time and all hours during the day, and to condemn and destroy all produce therein that is not wholesome as a food for human beings; provided, that no second charge shall be made after the first inspection made during the hours designated. (Id., Sec. 4.)

Sec. 651. Rights of Holders of Certificates—That the peddlers whose stocks of goods have been inspected, as aforesaid, and to whom inspection certificates have been granted, shall have the right and privilege to sell from door to door

in any and all of the streets of the City of Houston, such fruits, vegetables and produce as has been inspected, as aforesaid. (Id., Sec. 5.)

Sec. 652. Penalty—Any person, firm or corporation violating any of the provisions of the next five preceding sections shall be guilty of a misdemeanor and, upon conviction thereof in the Corporation Court, shall be fined in any sum not less than Five Dollars (\$5.00) nor greater than Fifty Dollars (\$50.00). (Id., Sec. 7.)

Sec. 653. Vegetables, Etc., Must Be Husked—No person shall bring into the City of Houston, or have in his possession with intent to sell, any vegetables or fruit, except green peas or beans in pods and green corn in the inner husks, which have not been previously divested of all parts not commonly used for food, and no person shall have such parts in his possession, in any market place, nor in a cart or vehicle used for the sale of vegetables or other articles of food; provided, however, that this section shall not be construed to apply to such parts of vegetables or fruits as are necessary for their preservation. (Code 1904, Art. 403.)

Sec. 654. Penalty—Any person violating the foregoing section, upon conviction, shall be fined not less than Twenty-five Dollars (\$25.00) and not more than Two Hundred Dollars (\$200.00). (Id., Art. 423.)

CHAPTER XXV.**Parks, Etc.**

Sec. 655. Mayor to Employ Keeper and Gardener—There shall be employed by the Mayor, some person or persons as gardener and keeper of the park, who shall hold his or their position at the pleasure of the Mayor, and who shall receive a salary of not more than Seventy Dollars (\$70.00) per month. Such gardener shall have, under the Mayor and Committee on Parks, superintendence and control of the park property, and shall perform such duties and work therein as may be directed by the Mayor and Committee on Park Property, and shall see that such property and grounds are protected from depredations or misuse; and should the Mayor employ workmen for said park, such gardener or keeper shall, under the Mayor and Park Committee, have superintendence and direction of such workmen. (Code 1904, Art. 914.)

Sec. 656. Keeper to Live in Park—The keeper of the park, herein provided for, shall be required to live in the house on the property, which house he shall have free of rent. (Id., Art. 915.)

Sec. 657. Appropriation of Receipts of Sam Houston Park—All moneys derived by the City of Houston from the sale of privileges in the Sam Houston Park of said city is hereby appropriated to the Houston Improvement League, to be applied by said Houston Improvement League to the free music fund, a fund to be used for the purpose of providing free concerts on certain days and nights during the summer months. (Id., Art. 916.)

Sec. 658. Funds, How Disbursed—That the proper officers of the City of Houston, under its Charter and ordinances, shall pay said moneys, as collected, over to the treasurer of said Houston Improvement League, upon the written order of its president, duly attested by its secretary, who shall execute a receipt therefor, showing the purpose for which the same is received. (Id., Art. 917.)

Sec. 659. Rules and Offenses—It shall be unlawful for any person or persons within the public park and commons of this city to do any of the following acts, viz:

To sell or offer for sale any goods or wares, or to play musical instruments, without permission from, or by contract with the Mayor and Park Committee. (Id., Art. 918.)

Sec. 660. Penalty—Any person wilfully doing any of the acts forbidden in next preceding section shall, upon conviction, be punished by a fine of not exceeding Twenty Dollars (\$20.00) nor less than One Dollar (\$1.00) for each offense. (Id., Art. 920.)

Sec. 661. Unlawful to Bring Dogs Into; Penalty—That it shall be unlawful for any person to bring any dog or dogs into or upon any public park or public square within the City of Houston. Any person violating this section shall be fined in any sum not less than One Dollar (\$1.00) nor more than Twenty-five Dollars (\$25.00). (July 30, 1906, Ord. Bk. 2, p. 310, Sec. 1.)

Sec. 662. Unlawful to Tether or Pasture Cow, Etc., in; Penalty—That any person who shall tether or pasture any cow, horse, mule or domestic animal, in or upon any park or public square within the City of Houston, shall be guilty of an offense, and upon conviction thereof shall be fined in any sum not less than One Dollar (\$1.00) nor more than Twenty-five Dollars (\$25.00); and provided, that each animal tethered or pastured therein in violation of this section shall be a separate offense. (Id., Sec. 2.)

Sec. 663. Unlawful to Improperly Lounge, Loaf, Etc.; Penalty—That any person who shall improperly lounge or loaf, or be found sleeping within any park or public square within the City of Houston, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than One Dollar (\$1.00) nor more than Twenty-five Dollars (\$25.00). (Id., Sec. 3.)

Sec. 664. Provisions Next Three Preceding Sections Applicable to Federal Square; Penalty—That the terms of the next three preceding sections are hereby made applicable to the Federal Square, known on the maps as Block No. Seventy-eight (78), South Side of Buffalo Bayou, and any person violating any of the terms of the next three preceding sections within said square shall be deemed guilty of an offense, and shall, upon conviction thereof, be fined in any sum not less than One Dollar (\$1.00) nor more than Twenty-five Dollars (\$25.00). (Id., Sec. 4.)

Sec. 665. Unlawful to Drive Except on Park Drives, Etc.—That it shall be unlawful for any person to drive or propel any vehicle, or drive any horse or any other animal in, over or through any park except along and upon park drives, parkways or park boulevard, or to drive or propel along or over any park drives, parkway or park boulevard, any heavily laden vehicle or any vehicle carrying merchandise, goods, material or rubbish, or any market wagon, milk wagon, dirt cart, moving van, dray or truck. (Sept. 2, 1912, Ord. Bk. 3, p. 421, Sec. 1.)

Sec. 666. Rate of Speed—That it shall be unlawful for any person to drive or propel over or along any park drive, parkway or park boulevard any vehicle, or to ride or drive any horse or other animal, or any bicycle, tricycle or autocycle at a greater rate of speed than eight (8) miles per hour along any tangent or any curve of less degree of curvature than twelve (12) degrees, or having a radius of more than four hundred and seventy-eight (478) feet, or at a greater rate of speed than six (6) miles per hour along any curve of a greater degree of curvature than twelve (12) degrees, or having a radius of less than four hundred and seventy-eight (478) feet. (Id., Sec. 2.)

Sec. 667. Unlawful to Erect Structures, Etc.—That it shall be unlawful for any person to place or erect any structures, sign, bulletin, board, post, pole or advertising device of any kind whatever in any park, or to attach any notice, bill, poster, sign, wire, rod or cord to any tree, shrub, fence, railing, post or structure within any park; provided that the Board of Park Commissioners may permit the erection of temporary decorations on occasions of public celebrations or holidays. (Id., Sec. 3.)

Sec. 668. Unlawful to Remove, Etc., Any Structures, Etc.—That it shall be unlawful for any person to remove, destroy, mutilate or deface any structure, monument, statue, vase, fountain, wall, fence, railing, vehicle, bench, tree, shrub, fern, plant, flower, or other property in any park.

Sec. 669. Unlawful to Walk, Etc., on Any Border, Etc.—That it shall be unlawful for any person to walk, stand or sit on any border, flower bed, monument, vase, fountain, railing or fence in any park. (Id., Sec. 5.)

Sec. 670. Unlawful to Allow Dog, Etc., to Run At Large, Etc.—That it shall be unlawful for any person to allow or

permit any dog or other animal to run at large in any park, or enter any of the lakes, ponds, fountains or streams therein. (Id., Sec. 6.)

Sec. 671. Unlawful to Shoot, Etc., Firearms, Etc.—That it shall be unlawful for any person to shoot, fire or explode any firearms, fireworks, firecrackers, torpedoes or explosives of any kind without a written permit from the Mayor or City Council, or to carry any firearms in any park. (Id., Sec. 7.)

Sec. 672. Unlawful to Tease, Etc., Any Animal, Etc.—That it shall be unlawful for any person to in any manner tease, annoy, molest, catch, injure, kill, or throw any stone or missile of any kind at, or strike with any stick or weapon any animal, bird, fowl or fish in any park. (Id., Sec. 8.)

Sec. 673. Unlawful to Be, Etc., a Solicitor, Etc.—That it shall be unlawful for any person to be or act as, or ply the vocation of a solicitor, agent, peddler, fakir, mendicant, beggar, strolling musician, organ grinder, exhorter, showman or bootblack in any park. (Id., Sec. 9.)

Sec. 674. Unlawful to Hold Public Meeting, Etc., Except—That it shall be unlawful for any person to hold any public meeting or gathering or to make any public speech in any park except upon written permission from the City Council. (Id., Sec. 10.)

Sec. 675. Unlawful to Hitch Horse, Etc., to Any Tree, Etc., Except; or to Allow to Remain Unhitched, Etc.—That it shall be unlawful for any person to hitch any horse or other animal to any tree, shrub, fence, railing or other structure, except such as are provided for that purpose, or to allow any horse or other animal to remain unhitched beyond the reach of the driver or attendant, in any park. (Id., Sec. 11.)

Sec. 676. Unlawful to Conduct Game of Chance—That it shall be unlawful for any person to conduct or carry on any game of chance in any park. (Id., Sec. 12.)

Sec. 677. Unlawful to Carry On Boisterous, Etc., Language, Etc., or Lascivious Conduct—That it shall be unlawful for any person to conduct or carry on any boisterous or insulting language, or be guilty of any disorderly, lewd or lascivious conduct of any kind in any park. (Id., Sec. 13.)

Sec. 678. Unlawful for Intoxicated Person to Enter or Remain In—That it shall be unlawful for any intoxicated person to enter or remain within any park. (Id., Sec. 14.)

Sec. 679. Unlawful to Ride Bicycle, Etc., Through Park Except on Drives, Etc.—That it shall be unlawful for any person to ride any bicycle, tricycle or autocycle over or through any park, except along and upon the park drives. (Id., Sec. 15.)

Sec. 680. Unlawful to Play Certain Games; Except—That it shall be unlawful for any person to play at any game of baseball, football, golf, cricket, lacrosse, polo, hockey, or other game of like character in any park, except at the place or places set apart and designated as grounds therefor. (Id., Sec. 16.)

Sec. 681. Penalty—Any person who shall violate or fail to comply with any of the provisions of the next preceding sixteen sections shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine in any sum not exceeding One Hundred Dollars (\$100.00), and each day any person shall continue to violate or fail to comply with any of such provisions shall be deemed and considered a separate offense, and in addition to the penalty hereinabove provided for such violations, any failure, neglect or refusal to comply with any of the terms of the same shall be deemed a nuisance, and may be abated in the manner provided by the ordinances of the City of Houston for the abatement of nuisances.

Sec. 682. Park Employees, Etc., Have Police Power—Compliance with the foregoing rules and regulations is a condition of the use of these premises, and the gardener, or any agent or agents, or any person charged with the keeping and care of any public park or commons, as also police officers, shall have authority to enforce provisions of this chapter by expulsion from park grounds, or arrest. (Code 1904, Art. 919.)

Sec. 683. Foregoing Rules Do Not Apply to Necessary Acts of Employees—This chapter shall not be construed as to apply to workmen in the legitimate discharge of their respective duties. (Id., Art. 921.)

Sec. 684. Tying Animals to or Injuring Shade Trees—Any person who ties or fastens any animal to any shade tree, or to the box around any tree planted or growing in any street or public place, or who cuts, breaks, disfigures or damages such tree, must be fined not less than One Dollar (\$1.00) nor more than One Hundred Dollars (\$100.00). (Code 1904, Art. 643.)

Sec. 685. Court House Square; Penalty—That it is hereby declared unlawful for any person or persons to sleep in the enclosure of the Court House Square of Harris County,

Texas, situated in the City of Houston, or walk upon the grass in said square other than upon regular walks made and provided by the Commissioners' Court of said county. Any person who shall violate any provision of this section shall be deemed guilty of misdemeanor and, upon conviction, shall be fined in any sum not less than One Dollar (\$1.00) and not exceeding Ten Dollars (\$10.00). (Id., Art. 665.)

Sec. 686. Destroying or Injuring Trees and Shrubberty in Public Grounds—If any person or persons shall destroy, or in any way injure, any of the trees, shrubberty or other ornaments of the court house or market house, or any school house or church grounds, or shall wilfully open and leave open any of the gates of said enclosures whereby any trees, shrubberty or other ornaments shall be destroyed or injured by stock or otherwise, he shall be fined not less than Five Dollars (\$5.00) nor more than One Hundred Dollars (\$100.00). (Art., 714.)

CHAPTER XXVI.

Pawnbrokers, Second-Hand and Junk Dealers.

Sec. 687. Mayor Shall Purchase Books for Use of—It shall be the duty of the Mayor to purchase a suitable number of books for the use of pawnbrokers and all second-hand dealers hereinafter specified, at a cost not to exceed two hundred dollars. It shall be the duty of such persons engaged in the business of pawnbroking, or as a pawnbroker or second-hand dealer, or who may hereafter engage in the business of pawnbroking or as a second-hand dealer in the City of Houston, to procure of the City Secretary and keep on hand one of said books, and make or cause to be made therein a record of the subjects prescribed, and keep and have said book at all times open to the inspection of the Chief of Police, and it shall be his duty to exhibit to the Chief of Police, or any officer designated by him for that purpose, said book, or any other article or articles entered on said book, whenever demanded by said Chief of Police or said officer designated by him. (Code 1904, Art. 922.)

Sec. 688. Stock Shall Be Open for Examination—All pawnbrokers and second-hand dealers shall be required at any and all times to allow the Chief of Police, or any officer designated by him for that purpose, the privilege of examining all and whatever articles he may have in his store or place of business, to ascertain whether or not said articles are stolen property. (Id., Art. 923.)

Sec. 689. Books Shall Be Furnished Free of Charge—Such book or books herein provided for shall be well bound and properly ruled, and shall be marked "Pawnbrokers' and Second-hand Dealers' Book," and shall be furnished to any pawnbroker or second-hand dealer of said city free of charge by the City Secretary, on his application therefor, and said Secretary shall keep a record of all books so furnished. (Id., Art. 924.)

Sec. 690. Shall Make Full Description of All Articles—Every person engaged in business as a pawnbroker or second-hand dealer shall make or cause to be made in such book so furnished a description as full as may be of any and all articles received by him in the course of his said business, and shall also affix a number to the same, and shall daily make entry of such number and description in said book, and also the name

and residence in full of any person or persons making a deposit or selling such article or articles; and in no case shall the name be omitted; and the entry shall also be made in said book of the amount of loan or purchase paid upon the article or articles numbered, or to be numbered, as aforesaid. (Id., Art. 925.)

Sec. 691. Penalty—Should any pawnbroker or second-hand dealer, or any person engaged in business as such within the corporate limits of the City of Houston, or who may hereafter engage in such business in said city, fail, neglect or refuse to comply with the provisions hereof, or any of them, such person shall be fined in a sum not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00), and each day that such person shall so fail, neglect or refuse to comply with the provisions hereof shall be deemed a separate offense in violation of this chapter, and punishable as such. (Id., Art. 926.)

Sec. 692. Unlawful to Purchase, Etc., From Minors—It shall be unlawful for pawnbrokers and second-hand dealers to purchase or take in pawn or accept as a pledge any article of value from a minor. (Amendment Oct. 11, 1909, Ord. Bk. 2, p. 536, Sec. 1.)

Sec. 693. Written Consent of Parent or Guardian, a Defense—It shall be a defense to the offense prohibited by the next preceding section if, when said purchase is made, or said pawn or pledge taken, the person making said purchase, or taking said pledge or pawn, then and there first has the written consent of the parent or guardian of such minor, or of some person standing in the place or stead of parent or guardian of said minor. (Id.)

Sec. 694. Penalty—Any person violating the provisions of Section 692 shall, on conviction, be fined for the first offense not less than Ten Dollars (\$10.00) nor more than Fifty Dollars (\$50.00), and for the second offense the fine shall not be less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00). (Id.)

Sec. 695. Duty of Junk Dealers—It shall be the duty of every person, whether he be acting for himself or as the agent or employee of some other person, firm or corporation, who shall buy or otherwise obtain from another person or persons any junk, to inquire and obtain from his or their vender or venders the name, sex, nationality and place of residence of

the person or persons from whom the person or persons offering said junk for sale, obtained the same, together with the name, nationality and residence of the person or persons selling the same. (Code 1904, Art. 929.)

Sec. 696. Must Provide a Book Showing Purchase—It shall be the duty of every person, firm or corporation who may deal in junk, either as a business or as a mere occasional purchaser of the same, to provide a well-bound book at his place of business, in which shall be entered the information obtained under the requirements of the foregoing section, together with a full and complete description of all junk so bought or otherwise obtained for or by said person, firm or corporation, either by lot or separate article, as may be most practical and convenient. (Id., Art. 930.)

Sec. 697. Unlawful to Act as Agent—It shall be unlawful for any person to act as the agent or employee in obtaining junk for any other person, firm or corporation who does not keep a book as required by this chapter. (Id., Art. 931.)

Sec. 698. Book Open for Inspection—Said book required by Section 696 shall be subject to the inspection, during reasonable business hours, of the officers of the City of Houston, and other officers of Harris County, in said State of Texas. (Id., Art. 932.)

Sec. 699. Book to Show Description of Junk—It shall be the duty of every person buying or otherwise obtaining such junk, whether acting for himself or as the agent or employee of some other person, firm or corporation, to immediately and in person enter or cause to be entered in said book the information and description of said junk elsewhere provided for or required by this chapter. (Id., Art. 933.)

Sec. 700. Shall Show Price Paid for Junk—It shall be the duty of such person to enter or cause to be entered in said book the price paid for each lot or purchase of junk. (Id., Art. 933.)

Sec. 701. Shall Keep Same Separate for Two Days—It shall be the duty of the person, firm or corporation for whom any such junk is bought or otherwise obtained to safely keep each lot or purchase separate and apart from other articles, so that the same can be fully identified, for two full days after the day same is purchased or obtained, and the same shall, upon demand of any officer of the City of Houston, be shown to him by the person in charge of same. (Id., Art. 935.)

Sec. 702. Book Shall Show Name of Purchaser—The person selling said junk shall also enter in the book herein provided for, the name and residence of the purchaser. (Id., Art. 936.)

Sec. 703. Junk Defined to Include Garden Hose, Etc.—The word junk, when used in this chapter, shall, in addition to its general meaning, be held to include and mean garden hose and lawn sprinklers. (Id., Art. 937.)

Sec. 704. Scrap Iron Not Included—Articles consisting wholly of scrap iron are excluded from the requirements of this chapter. (Id., Art. 938.)

Sec. 705. Penalty—Any person, firm or corporation, or the manager of any corporation, who shall violate any of the provisions of this chapter, where other provision for penalty is not made, shall be deemed guilty of a misdemeanor and, upon conviction, be fined in any sum not less than Five Dollars (\$5.00) nor more than One Hundred Dollars (\$100.00). (Id., Art. 93.)

CHAPTER XXVII.

Police Department.

- Article 1.—Creation, Officers, Etc.**
- 2.—General Provisions Concerning.**
- 3.—Private Watchmen, Etc.**

ARTICLE 1.

CREATION, OFFICERS, ETC.

Sec. 706. Creation of; General Duties; Officers, Etc.—That there is created a Police Department, the officers and employees of which are charged with the duties of preserving the public peace, detecting and preventing crime, arresting offenders, protecting the rights of persons and property, preserving order at elections, public meetings and public places, preventing and removing, if possible, nuisances on and in all streets, highways, alleys, waters and other places, the enforcement of the penal code of the State of Texas, and the Penal Ordinances of the City of Houston, and of performing and discharging such other duties as are now or may hereafter be imposed upon them by the laws of the State of Texas, or by the ordinances of the City of Houston, or by the Mayor, or by the City Council. (Mar. 23, 1914, Ord. Bk. 4, p. —, Sec. 1.)

Sec. 707. Composition and Creation of Officers of—That the Police Department shall consist of Superintendent of Police, Deputy Superintendent of Police, Captain of Police, Chief of Detectives, Captain of Detectives, Captain of Humane Officers, Captain of Traffic Division, Clerk of the Corporation Court performing all the duties of Police Clerk, Secretary, Bertillon Operator and Custodian of Lost and Stolen Property, warrant officers, sergeants, turnkeys, corporals or roundsmen, motorcycle officers, detectives, humane officers, traffic officers, mounted and otherwise, mounted police officers, patrolmen, watchmen, juvenile officers, chauffeurs, building superintendent; and the offices above mentioned are hereby created, and as many persons shall be appointed to such offices by the Mayor and City Council from time to time, as in their judgment are necessary for the proper conduct and operation of the Police Department. (Id., Sec. 2.)

Sec. 708. Oath of Office to Be Taken; Superintendent of Police, Etc.—That each officer of the Police Department shall take the constitutional oath of office before entering upon the discharge of the duties of his office. The terms “Superintendent of Police” and “Chief of Police” in all ordinances shall be considered synonymous. (Id., Sec. 3.)

Sec. 709. Under Control Mayor and Superintendent—That the Police Department and the officers and employees shall be under the charge, control and direction of the Mayor and Superintendent of Police, and the Superintendent of Police shall at all times be responsible for the conduct of the Police Department and shall devote all his time and energy to the discharge of the duties of his office. (Id., Sec. 4.)

Sec. 710. Superintendent of Police; Appointment; Bond—That the Superintendent of Police shall be appointed by the Mayor and confirmed by the City Council, and shall hold his office subject to removal as provided by the Charter. Before entering upon the discharge of the duties of his office, he shall execute and deliver to the City of Houston, and thereafter whenever required so to do by the Mayor, a bond in the sum of Five Thousand Dollars (\$5000.00), payable to said City of Houston, with at least three (3) good and sufficient sureties, or a surety company authorized to do business in Texas, to be approved by the Mayor, conditioned for the payment of all fines and costs assessed in the Corporation Court for which he is not entitled to credits as provided for in and by the ordinances of the City of Houston; for the payment of all pound and license fees, and other moneys received, collected or handled, by the Police Department or any member thereof, for or on behalf of or for the benefit of, or belonging to the City of Houston, and for the faithful discharge and performance of the duties of his office, as now or hereafter fixed; and such other duties as may be imposed upon him by the Mayor or by the City Council, or by the ordinances of the City of Houston. That such bond shall provide that the conditions are to be performed in Houston, Harris County, Texas, and that suit may be prosecuted thereon in Harris County, Texas, and that in case of a recovery thereon, that the obligors will pay the expense incurred by or imposed upon the City of Houston, in or about the collection thereof; including a reasonable attorney’s fee, and that said bond shall not become void until the whole amount thereof has been exhausted. (Id., Sec. 5.)

Sec. 711. Superintendent of Police; Powers and Authority—That the Superintendent of Police, under the direction

and control of the Mayor, shall be the executive head of the Police Department and as such shall have the direct management, control and direction of the Police Department, and shall be the commanding officer thereof. He shall have immediate control and custody of stations, property, equipment, apparatus and books and records belonging to the Police Department, and shall be charged with the safe keeping thereof.

He may from time to time make, establish and promulgate, with the approval of the Mayor and City Council and the Civil Service Commission, such rules and regulations for the organization, government, discipline, regulation and operation of the Police Department and the members thereof, not inconsistent with the ordinances, as may be deemed advisable; provided, that no rules or regulations shall ever be passed relating to the efficiency of officers or employees of the Police Department without the approval of the Civil Service Commission.

He may, with the approval of the Mayor, suspend any officer or employee of the Police Department for insubordination, or inattention to or neglect of duty, or violation of the laws or ordinances or the rules and regulations of the department or of the Civil Service Commission; and during the time of such suspension, unless such officer or employee be reinstated without prejudice, he shall not be entitled to the pro rata portion of his salary. (Id., Sec. 6.)

Sec. 712. Superintendent of Police; Duties.—That it shall be the duty of the Superintendent of Police to enforce all the laws of the State of Texas and the ordinances of the City of Houston and the orders of the Mayor and City Council. (Id., Sec. 7.)

Sec. 713. Officers and Employees; Appointment, Etc.—That all the officers and employees of the Police Department shall be appointed by the Mayor in accordance with the rules and regulations of the Civil Service Commission, and such officers and employees shall devote their entire time and energies to the discharge and performance of their duties; provided, no person shall be appointed who is not a citizen of the United States, and who has not been a resident of the State and city during a term of one year next prior to his appointment, or who has not complied in every particular with the requirements of the Civil Service Commission as to good character, temperate habits, sound health and physical ability to perform the duties of the position to which he is to be appointed. (Id., Sec. 8.)

Sec. 714. Deputy Superintendent of Police; Duties—That the Deputy Superintendent of Police, during the absence or inability of the Superintendent of Police or during a vacancy in the office of Superintendent of Police or while on duty at night, shall perform and discharge the duties and possess the power and authority of the Superintendent of Police, bearing in mind that the Superintendent of Police is the head of the department and his superior officer, and that he should not unnecessarily interfere with his policies or orders. He shall, when the Superintendent of Police is in the city, be on duty at the Police Station at night, and have charge and control of the night force. That he is at all times charged with the performance of the duties of a police officer, and subject to the direction and control of the Superintendent of Police, Mayor and City Council. (Id., Sec. 9.)

Sec. 715. Secretary; Duties—That the Secretary shall keep and preserve all books and papers belonging to the Department, except such books and records as are kept by the desk sergeants, the turnkeys, the police clerk and the detectives. He shall supervise the keeping of all the city books and records of the Police Department and see that they are uniformly and properly kept. He shall keep individual records of arrests for the Superintendent of Police, showing the disposal of all cases, etc. He shall keep a force book wherein shall be entered the name of each member of the Police Department, time and place where born, former occupation, number of his family, time of appointment and severance of his connection with the Department, stating the cause. He shall also keep a record of all charges against members of the force. He shall keep a record of all private watchmen, special officers doing duty for private concerns and individuals, and all police holding commissions as police officers not in the actual service of the Police Department. He shall be the custodian of all police badges and the deposits made therefor. He shall perform the duties of Secretary to the Superintendent of Police and such other duties as may be imposed upon him by the ordinances or by the rules and regulations of the Police Department or by the Mayor or by the City Council. (Id., Sec. 10.)

Sec. 716. Bertillon Operator; Duties; Custodian Lost and Stolen Property, Etc.; Bond; Duties—That it shall be the duty of the Bertillon Operator to keep up the identification records of his department in first class shape, to photograph and take measurements and finger print impressions of such suspects as may be apprehended from time to time and which in the judg-

ment of the Superintendent of Police shall be made, and to properly classify such records in accordance with the rules of the Bertillon system.

He shall also be the custodian of lost and stolen property, money and weapons taken from persons charged with the commission of crime and all property and money seized or taken possession of by the police; that before entering upon the discharge of the duties of his office, he shall execute and deliver to the City of Houston and thereafter whenever required so to do by the Mayor, a bond in the sum of One Thousand Dollars, payable to the said City of Houston with at least three (3) good and sufficient sureties or a surety company authorized to do business in Texas, to be approved by the Mayor, conditioned that he will faithfully keep all money and property coming into his custody and shall account for the disposition of, and account for the proceeds of any sales thereof, and shall pay over as hereafter provided or deliver to the owners thereof all such property, money or the proceeds thereof, except as hereafter provided, as required by the ordinances; for the faithful performance and discharge of all the duties of his office as required by the ordinances or by the rules and regulations of the Police Department; that such bond shall provide that the conditions are to be performed in Houston, Harris County, Texas, and that suit may be prosecuted thereon in Harris County, Texas, and in case of recovery thereon, the obligors will pay the expense incurred by or imposed upon the City of Houston in or about the collection thereof, including a reasonable attorney's fee, and that said bond shall not become void until the whole amount has been exhausted, and that in the event that the Superintendent of Police suffers a recovery on his official bond, or is required to pay out any money thereon by reason of the act of such Bertillon Operator, that then he shall be entitled to maintain a suit and recover judgment on said bond.

It shall be the duty of such custodian of lost and stolen property to keep a record of all property which may be seized or otherwise taken possession of by the Police Department and if same shall not be claimed by the rightful owner and possession surrendered to such owner within sixty (60) days from the date of such seizure or taking possession, he shall give notice by publishing or causing to be published in some daily newspaper in the City of Houston a description of such property, together with the date of such seizure or the taking possession of, and that if not claimed by the rightful owner within

ten (10) days from the date of such publication, that such property will be sold at auction at police headquarters between the hours of 10 o'clock a. m. and 4 o'clock p. m.; in addition to this notice he shall also cause to be posted in at least three (3) public places in the city copies of the notice published in the newspaper; upon the date set for the sale, if no claim for the property has been made by the rightful owner the Bertillon Operator shall proceed to sell such property at public auction, the proceeds of any such sale or sales, after deducting the cost of storage, advertising, selling and other expenses incident to the handling of such property, shall be remitted by him to the Assessor and Collector of Taxes, together with an itemized statement giving a description of the property sold, the amount received therefor and the itemized expenses; said proceeds to be deposited with the City Treasurer to the credit of the City of Houston.

That should such property so seized or taken possession of be of a perishable or dangerous nature, the Superintendent of Police may cause such property to be advertised forthwith and sell the same after three days shall have elapsed from the seizure or taking possession thereof, and an account shall be rendered as hereinbefore provided; provided, that the provision for sale shall not apply to pistols, revolvers, bowie knives, dirks, slung shots, metallic knucks or knuckles or other deadly weapons of like character, but all such weapons, within six (6) months after their receipt, if not claimed, shall be destroyed so as to be incapable of further use. (Id., Sec. 11.)

Sec. 717. Warrant Officers; Duties, Ex-officio Deputy Clerks of Corporation Court—That the warrant officers shall execute all warrants, writs, processes or summons issued from the Corporation Court and shall assist the clerk of the Corporation Court whenever called upon so to do in the performance of his duties and shall be ex-officio deputy of such clerk of the Corporation Court. (Id., Sec. 12.)

Sec. 718. Officers; Duties—That each and all of the other officers of the Police Department shall perform and discharge all such duties as devolve upon peace officers and such duties as are now or may hereafter be imposed upon them by the ordinances of the City of Houston, by the rules and regulations for the organization, government, regulation and operation of the Police Department adopted in accordance with the provisions therefor in Section 711 by the Superintendent of Police or other superior officer in command, or by the Mayor or by the City Council. (Id., Sec. 13.)

Sec. 719. Officers; Duties With Reference to Property Seized, Etc.—That it shall be the duty of all officers and members of the Police Department into whose possession any property seized or taken shall come, to deliver the same at once to the custodian of lost and stolen property, unless it shall be wanted for immediate use as evidence in any case, and in that event a list and inventory of the same shall be forwarded at once to the said custodian of lost and stolen property, who shall see that such property is returned to his custody after same has been used as evidence in any case. (Id., Sec. 14.)

Sec. 720. Officers; Uniforms, Etc.—That all officers of the Police Department shall wear an appropriate uniform, the character of which for the various officers and members shall be fully provided for by the rules and regulations. That the city shall provide, at its cost, two uniforms per annum for such officers and members and all additional uniforms required shall be provided by each officer and member at his expense. (Id., Sec. 15.)

Sec. 721. Mayor Authorized to Appoint Special Police—The Mayor is hereby authorized and empowered to appoint any number of special police officers at any time of riot, or on any special occasion he may deem advisable, and to discharge the same at will; said appointees to be taken from the eligible list of appointment in the classified service of the Police Department until such list is exhausted, and to be paid by the city when in the discharge of their duties for the city at the maximum salary rates fixed for such patrolman or such police duties. (Id., Sec. 16.)

Sec. 722. Clerk of Corporation Court as Police Clerk; May Be Required to Give Bond—That the Mayor and Superintendent of Police may require the clerk of the Corporation Court, as police clerk, and any other officer or employee of the Police Department, collecting, receiving or handling money belonging to the City of Houston or for or on its behalf, to execute and deliver to the City of Houston a bond in such amount as they may deem sufficient with three (3) good and sufficient sureties or a surety company authorized to do business in Texas, payable to the City of Houston, to be approved by the Mayor, conditioned that he shall faithfully perform and discharge all the duties now or which may hereafter be required of him by the ordinances of the City of Houston, or by the Superintendent of Police, or by the Mayor or by the City Council, and that he shall pay over and properly account for

all moneys received or collected by him for, or in behalf of, or belonging to the City of Houston and containing the further provision that in case there shall be a recovery against the Superintendent of Police on his official bond, or he shall be required to pay out any moneys by reason of any act of such officer or employee, then the Superintendent of Police may maintain and prosecute a suit and be entitled to recover judgment upon said bond for said amounts so recovered from or paid out by him. The said bond shall provide that all the conditions are to be performed in Harris County, Texas, and that suit thereon may be prosecuted and maintained in Harris County, Texas, and that in case of a recovery thereon, the obligors agree to pay the expense incurred by or imposed upon the City of Houston or the Superintendent of Police, in or about the collection thereof, including a reasonable attorney's fee, and that said bond shall not become void until the whole amount thereof shall be exhausted. (Id., Sec. 17.)

Sec. 723. Officers; Bonds—That each and all of the officers and members of the Police Department, where other provision is not made by this article, shall execute and deliver to the City of Houston, before entering upon the discharge of the duty of his office and thereafter whenever required so to do by the Mayor, a bond in the sum of One Thousand Dollars (\$1000.00), payable to the City of Houston, with at least three (3) good and sufficient sureties or a surety company authorized to do business in Texas, to be approved by the Mayor, conditioned for the faithful performance and discharge of all the duties of his office, as now or may hereafter be provided by the laws of the State of Texas, or by the ordinances of the City of Houston, or by the rules and regulations for the organization, government, regulation and operation of the Police Department, by the Superintendent of Police or superior officer in command, or by the Mayor or by the City Council; that such bond shall provide that the conditions shall be performed in Houston, Harris County, Texas, and that suit may be prosecuted thereon in Harris County, Texas, and that in case of recovery thereon, the obligors will pay the expense incurred by or imposed upon the City of Houston in or about the collection thereof, including a reasonable attorney's fee, and that said bond shall not become void until the whole amount thereof has been exhausted. (Id., Sec. 18.)

Sec. 724. Officers, Salaries; Graduation of Salaries of New—That the monthly salaries of each of the officers and employees of the Police Department, now in the service of the

City of Houston, shall be as the same are now or may hereafter be fixed by the Mayor and City Council.

That the monthly salaries of all police officers or employees hereafter appointed to positions in the Police Department according to the rules and regulations of the Civil Service Commission shall be graduated and shall be paid at the following rates and upon the following conditions:

Offices Paying \$80.00 Per Month—For the first six (6) months' service \$65.00 per month, at the end of which time he shall be examined, and if he show a good report for obedience and efficiency and stands the examination prescribed by the Civil Service Commission, he shall be advanced to the next highest group and paid for the next six (6) months the sum of \$70.00 per month; at the end of the second six (6) months' period, if he show a good report for obedience and efficiency and stands the examination prescribed by the Civil Service Commission, he shall be advanced to the next highest group and paid for the next or third six (6) months the sum of \$75.00 per month; at the end of the third six months' period, if he show a good report for obedience and efficiency and stands the examination prescribed by the Commission, he shall be advanced to the maximum group and paid the sum of \$80.00 per month.

Offices Paying \$85.00 Per Month—For the first twelve (12) months' service \$75.00 per month, at the end of which time he shall be examined, and if he show a good report for obedience and efficiency and stands the examination prescribed by the Civil Service Commission, he shall be advanced to the next highest group and paid for the next six (6) months the sum of \$80.00 per month; at the end of this period, if he show a good report for obedience and efficiency and stands the examination prescribed by the Commission, he shall be advanced to the maximum group and paid \$85.00 per month.

Offices Paying \$90.00 Per Month—For the first twelve (12) months' service \$80.00 per month, at the end of which time he shall be examined, and if he show a good report for obedience and efficiency and stands the examination prescribed by the Civil Service Commission, he shall be advanced to the next highest group and paid for the next six (6) months the sum of \$85.00 per month; at the end of this period, if he show a good report for obedience and efficiency and stands the examination prescribed by the Commission, he shall be advanced to the maximum group and paid \$90.00 per month.

Offices Paying \$95.00 Per Month—For the first twelve (12) months' service \$85.00 per month, at the end of which time he shall be examined, and if he show a good report for obedience and efficiency and stands the examination prescribed by the Civil Service Commission, he shall be advanced to the next highest group and paid for the next six (6) months the sum of \$90.00 per month; at the end of this period, if he show a good report for obedience and efficiency and stands the examination prescribed by the Commission, he shall be advanced to the maximum group and paid \$95.00 per month.

Offices Paying \$100.00 Per Month—For the first twelve (12) months' service \$90.00 per month, at the end of which time he shall be examined, and if he show a good report for obedience and efficiency and stands the examination prescribed by the Civil Service Commission, he shall be advanced to the next highest group and paid for the next six (6) months the sum of \$95.00 per month; at the end of this period, if he show a good report for obedience and efficiency and stands the examination prescribed by the Commission, he shall be advanced to the maximum group and be paid \$100.00 per month.

Offices Paying \$105.00 Per Month—For the first eighteen (18) months' service \$100.00 per month, at the end of which time he shall be examined, and if he show a good report for obedience and efficiency and stands the examination prescribed by the Civil Service Commission, he shall be advanced to the maximum group and paid \$105.00 per month.

Offices Paying \$115.00 Per Month—For the first eighteen (18) months' service \$105.00 per month, at the end of which time he shall be examined, and if he show a good report for obedience and efficiency and stands the examination prescribed by the Civil Service Commission, he shall be advanced to the maximum group and paid \$115.00 per month.

Offices Paying \$125.00 Per Month—For the first eighteen (18) months' service \$115.00 per month, at the end of which time he shall be examined, and if he show a good report for obedience and efficiency and stands the examination prescribed by the Civil Service Commission, he shall be advanced to the maximum group and paid \$125.00 per month.

If any officer shall fail to pass the examination prescribed by the Civil Service Commission he shall not be promoted but may, with the approval of the Commission and the head of the Department, be retained in the service and be given another trial for promotion at the end of the period stipulated in that respective grade, but he must serve such period after his fail-

ure to pass before he will become eligible for promotion again. (Id., Sec. 19.)

ARTICLE 2.

GENERAL PROVISIONS CONCERNING.

Sec. 725. Police to Report New Occupations or Business—It shall be the duty of all police officers having regular beats in the city, and the Chief of Police shall so instruct all such officers, to make daily reports, on blanks furnished for that purpose, of all businesses or occupations commenced or discontinued on their beats.

These reports shall be filed daily with the officer in charge and shall be by him transmitted to the Chief of Police, and any failure on the part of a police officer to file these reports promptly shall constitute a neglect of duty. (Amendment Art. 517, Sept. 3, 1913; Ord. Bk. 3, p. 453.)

Sec. 726. Abstract of Report Shall Be Filed Weekly With Assessor and Collector—The Chief of Police shall make or cause to be made in his office weekly an abstract of all businesses or occupations reported commenced or discontinued, as provided in amended Section 725. These weekly abstracts shall be compiled on blanks provided for this purpose and shall be transmitted to the Tax Assessor and Collector not later than Monday of the first week following the week which they cover. (Id., Art. 518.)

Sec. 727. Shall Watch Persons of Bad or Suspicious Character—He shall strictly watch the conduct of all persons of suspected or of known bad character. (Code 1904, Art. 519.)

Sec. 728. Shall Require Person Accusing Another to Accompany Him to the Station House, Etc.—When any person charges another with the commission of crime, and insists that the person charged shall be taken into custody, the policeman shall require the accuser, if unknown to him, to accompany him as a witness along with the accused to the station house, and the accuser's name shall be placed on the blotter as such, and he must appear against defendant; the policeman shall then, with as little delay as possible, return to his post. (Id., Art. 520.)

Sec. 729. Shall Not Leave His Post, Except—He shall not leave his post unless otherwise directed by the rules and regulations. (Id., Art. 521.)

Sec. 730. Shall Be Courteous and Helpful—He shall be civil and polite to all strangers; give such information as may be required politely, but shall not leave his post for that purpose, and, if necessary, shall assist females, children and aged or decrepit persons across crowded streets. (Id., Art. 522.)

Sec. 731. Must Prevent Obstructions of Sidewalks and Crossings—He must prevent all crowds from obstructing the sidewalk, especially at crossings; also, keep the sidewalks clear from boxes of merchandise. (Id., Art. 523.)

Sec. 732. Ill Usage of Prisoners and Aggravated Language Unjustifiable—In making arrests he is not justified in doing more than is absolutely necessary for the safe custody of the prisoners, until he conveys them to their proper destination. Policemen must not use such language as would be calculated to provoke or exasperate them. (Id., Art. 524.)

Sec. 734. Baton to Be Used Only in Emergencies and in Self-Defense—He must not use his baton except in urgent cases, and in self-defense, nor consider himself interfered with in the performance of his duty unless the interference is actual. (Id., Art. 525.)

Sec. 735. Conduct on Certain Streets—Policemen assigned to duty on Main, Fannin and Travis Streets are not allowed to walk or talk together while on duty, except in regard to matters concerning the immediate discharge of their duty. (Id., Art. 526.)

Sec. 736. Must Not Leave Post or Enter House; Exceptions—He must not leave his post except in discharge of police duty, nor shall he enter any house except in the execution of his duty, or to prevent a breach of the peace. (Id., Art. 527.)

Sec. 737. Cognizance of Public Houses, Etc.—He must pay particular attention to all public houses or drinking places on his beat—reporting those that are noisy or disorderly. (Id., Art. 528.)

Sec. 738. Must Not Become Offended—Policemen should not become offended at any harsh or abusive language that may be applied to them. (Id., Art. 529.)

Sec. 739. Duty on Making Arrest—Whenever a person is arrested, the policeman making the arrest must convey the prisoner to the station house. The policeman will then search the prisoner and turn over to the clerk of the station house

the prisoner and effects. The clerk must enter the same on the blotter. (Id., Art. 530.)

Sec. 740. Prisoners May Give Cash Bail—The Chief of Police or the Deputy Chief of Police or any police officer who may be in direct charge in the absence of either is hereby authorized to receive from any and all persons arrested for violations of any of the ordinances of the City of Houston, or any law of the State of Texas of which the Corporation Court has jurisdiction, cash bails for the appearance of such persons before the Corporation Court, if such person voluntarily signs a written agreement in which he agrees that in the event that he fails to make his appearance by or upon the date therein named that such case bail may by the Corporation Court be forfeited to the City of Houston by an order or judgment of said court entered upon its minutes, without service of notice or citation of any kind upon such party, and will in the same instrument authorize the Chief of Police, in the event of his failure to appear on said date, to plead guilty for him and apply such cash bail to the payment of the fine and costs which may be assessed against him.

That such officer so accepting such bail shall fix the same at not less than double the amount of the lowest fine and costs which can be assessed against such person upon conviction of the offense with which he is charged, but should such officer deem such amount of bail insufficient to compel the appearance of such person at the date fixed, then such officer may demand such sum as a cash bail as in his judgment will require the appearance of such person at said date set for said trial; provided, that no cash bail shall be accepted unless voluntarily offered by the person charged after such person has been brought to the police station and the charge has been entered properly in the police blotter.

When a cash bail is tendered and accepted in accordance with the foregoing, such officer shall issue a special cash bail receipt therefor to the person tendering the cash bail, a copy of which shall be attached to and accompany the daily report, as hereinbefore provided for. When a cash bail is returned to the person who deposited it a receipt shall be taken from such party and this original receipt shall accompany the daily report, as hereinbefore provided for. The same procedure shall apply where the person who deposited the money is present and orders such cash bail to apply on the payment of the fine and costs assessed. When such person fails to make his appearance and the Chief of Police pleads guilty for him he shall

apply so much of said cash bail as may be necessary to the satisfaction of such fine and costs and make due report thereof in such daily report, the balance he shall return to the said defendant. In the event such cash bail is forfeited then the entire sum shall be paid in to the proper officer of the city and due report made thereof in said daily report.

The Chief of Police shall make a daily report to the Controller of all cash bails received or disposed of each day. These reports shall show the names of the persons charged and the amount of cash bail received from each, and, if disposed of, shall show the disposition made thereof. These reports shall also show the amount of cash bails, if any, remaining in the hands of the Chief of Police pending the disposition of any cases, and shall be accompanied by the receipts hereinbefore provided for.

It shall be the duty of the Controller to report to the Mayor or such officer as he may designate to check up the Police Department, any and all failures to account, as provided herein, for any cash bails received by the Police Department. (Amendment Art. 531, Sept. 22, 1913; Ord. Bk. 3, p. 453.)

Sec. 741. Amount Shall Not Be Less Than \$15.00—The cash bail herein authorized shall not be less than Fifteen Dollars (\$15.00) for any one person, and a larger sum, not to exceed Two Hundred Dollars (\$200.00), as in the discretion of the Chief of Police, or Deputy Chief of Police, may be necessary to enforce the attendance of the person so bailed, before the Corporation Court. (Code 1904, Art. 532.)

Sec. 742. Cash Bail Not Taken When Court Is in Session—The cash bail herein provided for shall not be taken if the Corporation Court be in session, nor during the hours from 9 a. m. to 4 p. m., except on Sundays and legal holidays. (Id., Art. 533.)

Sec. 743. Chief of Police, or Deputy Chief, to Give Receipt—When a cash bail shall be taken as herein provided for, the Chief of Police or Deputy Chief of Police shall execute and deliver to the person depositing such cash bail, a receipt for the same. (Id., Art. 534.)

Sec. 744. Chief of Police or Deputy Chief to File Complaint—In all cases where a cash bail has been taken by the Chief of Police or Deputy Chief of Police, he shall file or cause to be filed against the person bailed, a complaint with the Clerk

of the Corporation Court not later than 9 a. m. of the morning following the arrest and bail. (Id., Art. 535.)

Sec. 745. Apply Cash Deposit on Fine—If the person depositing the cash bail be found guilty the cash bail, or so much thereof as may be necessary, shall be applied toward the payment of the fine and costs, and the excess shall be refunded by the Chief of Police to the person depositing the same, as hereinbefore provided. (Id., Art. 536.)

Sec. 746. When Complaint Is Dismissed, Money to Be Refunded—In all cases where the complaint is dismissed by the Corporation Court, the Chief of Police shall refund the cash bail to the person depositing the same, and take a receipt therefor. (Id., Art. 537.)

Sec. 747. Only Chief of Police or Deputy Allowed to Receive Cash Bail—No officer is allowed to take a cash bond for a prisoner except the Chief of Police, or the Deputy Chief of Police, or officer acting for such officer, and the Deputy Chief of Police is only allowed to take such bond in the absence of the Chief of Police, and whenever bond is taken it must be entered on the record of arrests, and opposite the prisoner's name the amount deposited. (Id., Art. 538.)

Sec. 748. Shall Not Enter Public Houses; Exception—No policeman, while on duty, shall be allowed to enter any saloon, gambling house or any other place of public resort, nor shall he converse with any person or persons on the streets, except in the discharge of his duties as policeman. But it shall be his duty to go into any or all places in the city where he has reason to believe that a breach of the peace, or a breach of the city ordinances, is about to be committed. (Id., Art. 549.)

Sec. 749. May Arrest Suspicious Persons at Night—Policemen shall have the right, and it is hereby made their duty, to arrest and interrogate all persons of suspicious demeanor, character or conduct found on the squares, streets or bridges, or any public place or thoroughfare, or in, upon or about public or private buildings or premises, where they have no right or permission to be, and if such persons do not give a satisfactory account of themselves, and the police officer has good reason to believe that such person or persons intend or are about to commit or have committed any violation of the law, or ordinances of the city, it is hereby made the duty of such officers to take such person or persons into custody, or if necessary for their safe keeping, to put them in the city jail,

and at the earliest time practicable bring them, with all the evidence and proofs applicable to their case, before the Corporation Court for investigation and hearing. (Id., Art. 550.)

Sec. 750. City May Work Convicted Prisoners—Any person who has been convicted in the Corporation Court of the City of Houston of the violation of any law of the State of Texas or any ordinance of the City of Houston and has been committed to jail in default of the payment of the fine and costs, or either, adjudged against him or her, may be required to labor in the city workhouse or on the public streets, or on a city rock pile, or on any public work of the city, or on any public work or improvement in Harris County that may now or hereafter be authorized by Charter provision, a sufficient number of days to liquidate said fine and costs, as provided in Section 753; provided, that in no event shall any prisoner who is physically unable to labor, as evidenced by certificate from the City Health Officer, provided for in Section 753, be required to labor under the provisions of this section; and provided, that no prisoner shall be required to labor under the provisions of this section after he or she shall have tendered in cash the balance of any fine and costs still due the city by him or her after deducting all credits due thereon, as provided for in Section 753, for labor already performed under the provisions of this section; and further provided, that in no case shall any prisoner be required to labor under the provisions of this section, for a longer period than six months for the satisfaction of any commitment. (Amendment Art. 551, Sept. 22, 1913; Ord. Bk. 3, p. 453.)

Sec. 751. Shall Not Be Employed in Conflict with Free Labor—Such persons so required to labor shall not be allowed to come in conflict with the employed laborers of the City of Houston, and when such persons are required to labor on the streets or other public works of the said City of Houston, the person who has supervision of them shall first ask the city official having charge of the streets or such public works to designate the place where such person or persons so convicted shall be put to labor; provided, that should such official refuse to designate such place, then the person having supervision, or the Mayor of the City of Houston, shall put them at labor on such street or such public work as he may deem best and proper for the best interests of the public. (Code 1904, Art. 552.)

Sec. 752. Shall Be Worked Under Supervision of Chief of Police—Such person so convicted is to be worked under the

supervision of the Chief of Police of the City of Houston, or some person detailed by said Chief of Police or Mayor for that purpose; provided, such person or persons so convicted shall not be required to work more than eight full hours during one day at any of the labor named in Section 750. (Id., Art. 553.)

Sec. 753. Prisoners to Receive Credit on Fines and Costs for Work, Etc.—Every prisoner who has been required to labor under the provisions of Section 750 shall receive a credit of Fifty Cents per day on the fine and costs adjudged against him or her for every day he or she has been required to labor and for every intervening Sunday or legal holiday on which no work was required.

In the event any prisoner is physically unable to labor a certificate shall be required of the City Health Officer setting forth this fact and every such prisoner shall receive a credit of Fifty Cents per day on the fines and costs adjudged against him or her for every day he or she remains in jail under such certificate.

In the event the City of Houston fails to require any prisoner to labor under the provisions of Section 750, such prisoner shall receive a credit of \$3.00 per day on the fine and costs adjudged against him or her for each day he or she remains in jail; provided, that no prisoner shall receive credit at the rate of \$3.00 per day on the fine and costs adjudged against him or her unless such prisoner has made written affidavit to the fact that he or she is unable to pay such fine and costs and that he or she has been confined in jail at least ten days.

When any prisoner shall be entitled under the provisions of this section to credits aggregating the total amount of the fine and costs adjudged against him or her, or when any prisoner tenders in cash any balance of such fines and costs after deducting all credits that he or she may be entitled to under the provisions of this section, or in the event that the certificate of the City Health Officer, heretofore provided for, directs the immediate release of any prisoner, stating it to be a necessity for the preservation of the prisoner's health, or when any prisoner shall have labored six months under the provisions of Section 750 for the satisfaction of any commitment, such prisoner shall be released from custody, as provided for in sub-division (j) of Section 151. (Amendment Art. 554, Sept. 22, 1913; Ord. Bk. 3, p. 453.)

Sec. 754. Refusing to Work When Able, Shall Be Put On Bread and Water—Should any such person, so convicted, then

and there being physically and mentally able to labor, fail and refuse to labor as hereinbefore provided, when ordered so to do by the person having supervision, they may be put by such person on a bread and water diet until they comply with his orders. (Code 1904, Art. 555.)

Sec. 755. Shall Make Daily Remittances—The Chief of Police shall make a daily remittance, excepting on legal holidays, to the Tax Assessor and Collector of all fines and costs collected and all other items which have come into his hands, excepting cash bails not applied on fines and costs and not forfeited, and the amount remitted to the Tax Assessor and Collector must show the amount to apply on fines and costs and the amount on pound fees, special details and otherwise itemized, and must agree with the accounts reported to the City Controller, a receipt to be taken by the Chief of Police. (Amendment Art. 556, Sept. 22, 1913; Ord. Bk. 3, p. 453.)

Sec. 756. Chief of Police to Keep Record of All Commitments and Be Liable for All Fines and Costs—The Chief of Police shall keep or cause to be kept in his office a record of all commitments issued and delivered to him to be designated "Record of Commitments and Prisoners." This record shall show the case number, the name of the defendant, the nature of the offense, the date of commitment, the amount of fine and costs assessed, the amount of fines and costs collected, the date of release of prisoners and the reason therefor. In the column of this record provided for entering the reason for release the Chief of Police shall show such reason as is stated in his return of the commitment to the Corporation Judge, which shall have been approved by said judge as provided in subdivision (j) of Section 151, and whenever any fine and costs have been liquidated, either in whole or in part, by labor as provided for in Section 750, the Chief of Police shall also show in this "reason for release" column, where and on what dates the prisoner has labored. And in each and every case the Chief of Police shall be personally and individually liable to the City of Houston for all fines and costs assessed against persons committed to his custody; provided, that he shall not be liable for fines and costs in those cases where the prisoner dies or escapes, or is released upon the certificate of the Health Officer, or in which person is released after having labored for a sufficient time to satisfy such fine and costs, or has paid part in cash and labored for a sufficient time to satisfy such fine and costs and in each of which cases the return of such

commitment has been approved and recorded as provided for in sub-division (j) of Section 151. (Id., Art. 557.)

Sec. 757. Prisoners to Be Searched and Record of Arrests to Be Kept—It shall be the duty of the Police Clerk to have all prisoners who have been brought before him searched in the presence of another officer for valuables and to take all weapons and valuables from such prisoners and place them under lock for safekeeping until such time as the judge of the Corporation Court orders the surrender thereof.

It shall be the duty of the Police Clerk to keep a record of all arrests made to be designated "Police Department Blotter." This record shall show the date of arrest, the name of the person arrested, the offense charged, the name of the officer making the arrest and the court in which the complaint is filed. It shall be the duty of the Police Clerk to see that complaints are filed promptly in each and every case where arrest has been made and he shall file with the Mayor daily a statement of all cases remaining on his blotter in which complaint has not been filed in such Corporation Court, and for any failure or neglect to report any such cases he shall be subject to discharge. (Id., Art. 558.)

Sec. 758. To Furnish Corporation Court All of List—The Clerk of the Corporation Court shall, after receiving a list of each and every person arrested, make out a complaint, and let the arresting officer, or the person so complaining, sign the same and swear to it as prescribed by law. (Code 1904, Art. 559.)

Sec. 759. Shall Keep Prisoners Unless They Give Bond—The Police Clerk shall receive from officers who make arrests, persons by them arrested, and cause said persons to be confined in the city jail, to await trial on whatever charge is lodged against them, unless said persons give bond to said Corporation Court for their appearance as is required by law. (Id., Art. 560.)

Sec. 760. Police Station to Be Kept Open at All Times—The police station shall be kept open for the transaction of business at all times, and the Police Clerk, in person or by deputy, shall be in attendance at the office of the police station at all times for the transaction of business. (Id., Art. 561.)

Sec. 762. Officers, Etc., to Carry Cases Before Corporation Court—It shall be the duty of every officer and mem-

ber of the Police Department to carry each and every case within the jurisdiction of the Corporation Court before that court for trial. And any officer or member of the Police Department of the City of Houston violating this provision shall be suspended from the force by the Superintendent with the approval of the Mayor, and unless satisfactory explanation is made, shall be dismissed from the force by the Superintendent with the approval of the Mayor. (May 7, 1906; Ord. Bk. 2, p. 271, Sec. 1.)

Sec. 763. All Arrests to Be Brought Before the Corporation Court.—All persons arrested by members of the police force for offenses punishable under the ordinances of the city, as well as under the laws of the State, of which the Corporation Court and the Courts of the Justices of the Peace have concurrent jurisdiction, shall be brought by such officer before the Corporation Court for trial; nor shall it be legal for any member of the police force to carry any person so arrested before a Justice of the Peace for trial. (Code 1904, Art. 563.)

Sec. 764. Policemen to File Complaints.—It shall be the duty of the members of the police force to file in the Corporation Court all complaints against persons arrested by them for the commission of offenses of which the Corporation Court and Justice of the Peace Courts have concurrent jurisdiction. (Id., Art. 564.)

Sec. 765. Penalty.—Any member of the police force who shall be guilty of violating either of the next two preceding sections shall be punished by suspension from the Department by the Superintendent with approval of the Mayor. It shall be the special duty of the judge of the Corporation Court, the Superintendent of Police, and every policeman forthwith to report every such violation to the Mayor and City Council. (Id., Art. 565.)

Sec. 766. Fees of Officers, Etc., Not to Be Appropriated, Etc.—It shall be unlawful for any officer or member of the Police Department to receive, accept and appropriate to his own use any fee or perquisite for the performance of any service connected with the discharge of his duties as such officer or member of the Police Department, whether acting under authority of the General Laws of the State of Texas or otherwise. And any officer or member of the Police Department of the City of Houston who shall receive, accept and appropriate to his own use fees for services in violation of

this provision shall be guilty of an offense, and shall forfeit from his salary a sum equal to the amount of fees received, accepted and appropriated in violation of this section, and shall be dismissed from service on the Police Department by the Superintendent with the approval of the Mayor. (May 7, 1906; Ord. Bk. 2, p. 271, Sec. 2.)

Sec. 767. Fees to Be Paid to Clerk of Corporation Court—That all fees accruing from arrests made by members of the Police Department of the City of Houston, in cases arising under the State laws wherein the Corporation Court does not have jurisdiction, shall be paid over by the officer making the arrest to the Clerk of the Corporation Court, who shall issue to such officer a receipt, disclosing the amount of the fee collected, the name of the officer from whom such fee is received, and the case in which the fee is received. (Id., Sec. 3.)

Sec. 768. Officers, Etc., to Make Monthly Statement of Fees, Etc.; Disposition of Same—It shall be the duty of each and every officer and member of the Police Department of the City of Houston to render a monthly statement, under oath, setting forth the number of arrests carried last month before the Justice of the Peace Courts; the fee charged and received in each case, together with the style of the case; and such monthly report shall be a complete and accurate statement of all arrests made, and of all fees and perquisites of whatever character received, and shall be subscribed and sworn to before an officer having authority to administer oaths. Said monthly reports shall be turned in to the Controller and shall be accompanied by the receipts received from the Clerk of the Corporation Court, as vouchers, and a duplicate of said report shall be furnished by each officer to the Chief of Police, and each case carried into the Justice of the Peace Courts shall be reported to the Chief of Police by the police officer as it occurs. And the Controller shall strike from the monthly payroll, before he approves same, the name of any officer failing to make reports under oath, as herein provided. (Id., Sec. 4.)

Sec. 769. Fees to Be Reported, Etc., by Clerk of Corporation Court—It shall be the duty of the Clerk of the Corporation Court to report on the first day of each month the amount of said fees received by him from officers, as aforesaid, and shall accompany said report with a check for the sum total of all said fees so received. The report of the Clerk of the

Corporation Court shall show the amount of fees received from each officer, the name of the officer, and the cause in which said fees accrued. (Id., Sec. 5.)

Sec. 770. Superintendent of Police; Duties With Reference to Fees of Officers, Etc.—It shall be the duty of the Superintendent to check over the reports of the various officers and men on the payroll, and to compare same with the report made by the Clerk of the Corporation Court. Should any discrepancy appear in the report of any officer or person of the Police Department, it shall be the duty of the Superintendent to withhold the salary of such officer or man, and to, with the approval of the Mayor, suspend such officer or man from the Department, pending a thorough investigation of such discrepancy; and should any irregularity in the conduct of any officer be disclosed, which, in the judgment of said Superintendent and Mayor, might require the dismissal of said officer, it shall be the duty of said Superintendent and Mayor to dismiss such officer, and to deduct the amount of fees misappropriated by such officer from his salary before paying over to such officer balance due on salary, if any. (Id., Sec. 6.)

Sec. 771. Officers Failing to Comply to Be Dismissed, Etc.—That any officer or member of the Police Department of the City of Houston who shall fail to comply with the provisions of the next preceding six sections, or any of them, shall be, with the approval of the Mayor, dismissed from the Department by the Superintendent, and shall forfeit from his salary a sum equal to the amount of fees received by him and not reported under oath or not paid to the Clerk of the Corporation Court, as prescribed. (Id., Sec. 7.)

Sec. 772. Superintendent of Police; Further Duties With Reference to Fees and Officers, Etc.—It is made the duty of the Superintendent of Police to see to it that the members of the Police Department in all respects comply strictly with the next preceding seven sections; to know what offenses are carried by said officers before said State courts, and what fees are collected by them in State courts; and the Superintendent of Police shall, at the end of each month, file with the Controller his statement, under oath, of all cases in the Justice of the Peace Courts in which members of the Police Department render services, giving the style of each case, the offense, the name of the policeman, and the fee coming to him, and likewise an accurate statement of all fees paid to members of the

Police Department for such services during said month; and the Superintendent of Police and his bondsmen shall be liable to make good to the City of Houston, at the end of each month, all fees collected in Justice of the Peace Courts by members of the Police Department during said month and not paid over to the Clerk of the Corporation Court. And all amounts so collected and not paid in to the Clerk of the Corporation Court shall be deducted from the salary of the Superintendent of Police by the Controller, if not paid by the officer collecting same, and default or failure in the performance of the duties imposed by the next preceding seven sections on the Superintendent of Police shall vacate the office of Superintendent of Police. (Id., Sec. 8.)

Sec. 773. Officers, Etc.; Duties With Reference to Searches of Persons for Arms Unlawfully Carried, Etc.—It is hereby made the duty of every police officer of the City of Houston, either with or without warrant, upon his knowledge or belief, or upon the information of some credible person, to arrest and search any person or persons found within the limits of the City of Houston, who may be unlawfully carrying on or about his person, or in his saddle bags, or valise, any pistol, dirk, dagger, sword cane, spear, slung shot, knife, or any other knife manufactured or sold for purposes of offense or defense; and such police officer as soon as any such person or persons have been arrested and searched, shall immediately take such person or persons before the proper officer in Harris County, having jurisdiction to try said offense. And any police officer of the City of Houston under the circumstances above mentioned, who shall fail or refuse to arrest any person or persons thus unlawfully carrying any of the above mentioned weapons shall be deemed guilty of an offense and as a punishment shall be dismissed from the Police Department of the City of Houston, and shall not be permitted thereafter to serve as a police officer of said city. (Nov. 3, 1913; Ord. Bk. 3, p. 496, Sec. 1.)

ARTICLE 3.

PRIVATE WATCHMEN, ETC.

Sec. 774. Special Policemen, Etc.; Appointment; Powers and Duties—That the Mayor is authorized to appoint special policemen or watchmen at private places of business and institutions for duty in and at such places of business and institutions only, upon the request and recommendation of the owners or proprietors of such places of business and institu-

tion, which said policemen or watchmen while on duty in and at such places of business and institutions shall have the powers and authority of a regular police officer of the City of Houston, and they shall see that the ordinances of the city are complied with; but when not on duty in and at such places of business and institutions for which they are appointed their powers as such officers shall cease. (July 14, 1913; Ord. Bk. 3, p. 395, Sec. 1.)

Sec. 775. Written Application for Appointment—That any person, firm or corporation desiring a special policeman or watchman at or in his place of business and institution shall cause the person desired to be appointed to make a written application to the Mayor containing substantially the same information and facts required to be contained in the application of persons desiring to be appointed regular police officers of the City of Houston, which said application shall be endorsed and recommended by the person, firm or corporation desiring such appointment, and shall state in and at what place of business and institution such policeman or watchman is to serve, giving the boundaries thereof if outside of a building, and when the Mayor has acted favorably upon such request and appointed such special policeman or watchman, such policeman or watchman shall qualify by giving bond and taking the oath of office required by the ordinance to be given by a regular police officer, who, thereafter, shall have the powers and authority of a regular police officer of the City of Houston in and at such place of business and institution named within the bounds named in his recommendation and endorsement while he is actively engaged in the discharge of the duties of policeman or watchman at and in such place of business and institution and within the boundaries named in said recommendation, but in no other place. (Id., Sec. 2.)

Sec. 776. Special Policemen to Receive No Salary From City; Removal—That such special policeman or watchman shall receive no salary from the City of Houston, but shall be paid by the person, firm or corporation requesting his appointment, and he shall be subject to removal from office by the Mayor of the City of Houston at any time and for any cause which he may deem sufficient for his removal. (Id., Sec. 3.)

CHAPTER XXVIII.**Public Morals and Decency.**

Sec. 777. Keeping a Disorderly House—The owner, lessee or proprietor of any house who makes, causes, permits or suffers to be made therein any loud or improper noises, or who collects or permits to be collected therein any drunken, noisy or disorderly persons, to the annoyance or disturbance of the neighborhood, must be fined not less than One nor more than One Hundred Dollars. (Code 1904, Art. 631.)

Sec. 778. Street Walking, Etc.—It shall be unlawful for any female known as a courtesan, prostitute, bawd or lewd woman, or any female inmate of a bawdy house or house of prostitution, or of assignation, brothel or disorderly house, as defined by the Penal Code of the State, to wander about the streets in the night time, or to go into beer houses or places of public resort, or to be employed to sing or dance in such house or place, or to be found employed as a beer carrier or waiter girl in any such house or place, and any person offending against the provisions of this section must be fined not less than Five nor more than One Hundred Dollars. (Id., Art. 659.)

Sec. 779. Public Plying of Vocation by Prostitutes—It shall be unlawful for any female known as a prostitute, bawd, courtesan or lewd woman, to ply, or seek to ply, her vocation by word, sign or action, on the streets, alleys, or in any public place, or at the door or window of any house or rooms. Any person offending against the provisions of this section must be fined not less than Five nor more than One Hundred Dollars. (Id., Art. 660.)

Sec. 780. Unlawful for Prostitutes to Occupy, Etc., Any House, Etc., Without Certain Limits—That it shall be unlawful for any public prostitute or woman notoriously abandoned to lewdness, to occupy, inhabit, live or sleep in any house, room or closet situated without the following limits in the City of Houston, viz: Commencing with the intersection of the center line of what is designated as Crosby Street on the maps of the Stewart Abstract Company with Buffalo Bayou, at a point one block west of Heiner Street; thence south with the center line of said Crosby Street to a point 100 feet south of the south line of Hobson Street; thence west parallel with the south line of

Hobson Street and 100 feet south thereof, to the center line of Burton Street; thence north on the center line of Burton Street to the center line of Howard Street; thence west on the center line of Howard Street to the center line of Lamb Street; thence along the center line of Lamb Street to Buffalo Bayou; thence following the meanders of Buffalo Bayou to the place of beginning; all as delineated on map by the Stewart Abstract Company. (Amendment Oct. 2, 1911; Ord. Bk. 3, p. 19, Sec. 1.)

Sec. 781. Unlawful to Rent, Etc., House, Etc., for Immoral Purposes, Etc.—That it shall be unlawful for any person or persons, whether agent or owner, to rent, lease or hire any house, building or room to any woman, or girl, notoriously abandoned to lewdness, or for immoral purposes, outside the limits specified in the next preceding section. (Mar. 30, 1908; Ord. Bk. 2, p. 467, Sec. 2.)

Sec. 782. Prostitutes, Etc., Not to Stand on Sidewalks, Etc.—That public prostitutes or notoriously lewd or abandoned women are forbidden to stand upon the sidewalks in front or near the premises they may occupy, or at the alleyway, door or gate of such premises, or to occupy the steps thereof, or to accost, call or stop any person passing by, or to walk up and down the sidewalks, or to stroll about the city streets indecently attired, or in other respects so behave in public as to occasion scandal or disturb or offend the peace and good morals of the people. (Id., Sec. 3.)

Sec. 783. Unlawful for Lewd Women to Frequent Coffee House, Etc.—That it shall not be lawful for any lewd women to frequent any coffee house, saloon or bar room and to drink therein. (Id., Sec. 4.)

Sec. 784. Unlawful to Carry On Assignment House, Etc.—That it shall be unlawful for any parties or party to establish or carry on a house of prostitution or house of assignation without the limits specified in Section 780. (Id., Sec. 5.)

Sec. 785. Mayor May Order Occupants House of Prostitution, Etc., to Move—That whenever a house of prostitution or assignation may become dangerous to public morals, whether from the manner in which it is conducted or the character of the neighborhood in which it is situated, the Mayor or City Council may, on such facts coming to his or their knowledge, order the occupant of such house, building or room to remove therefrom within a delay of five (5) days by service of notice on such occupants in person or by posting the notice on the

door of the house, building or room, to remove therefrom within a delay of five (5) days, and upon such occupant failing to do so, each shall be punished as provided in Section 787. (Id., Sec. 6.)

Sec. 786. Mayor and Council May Close, Etc.—That in the event that the occupants of such house, building or room referred to in Section 785 do not remove therefrom after the infliction of the penalty, the Mayor or City Council is authorized to close the same and to place a policeman at the door of such premises to warn away all such parties who shall undertake to enter. (Id., Sec. 7.)

Sec. 787. Penalty—That any person or persons who shall violate any of the provisions of Sections 709 to 715, inclusive, or who shall disturb the tranquillity of the neighborhood, shall be guilty of an offense, and upon conviction thereof in the Corporation Court shall be fined in any sum not exceeding Two Hundred Dollars (\$200.00) for each offense.

That each day any person or persons shall continue to violate the provisions of said sections shall constitute a separate offense.

Sec. 788. Unlawful to Loiter, Etc., in Disorderly House, Etc.; Penalty—Any person who shall be found in or frequenting or loitering in any disorderly house, assignation house, bawdy house, house of prostitution or brothel, shall be guilty of an offense, and on conviction thereof in the Corporation Court shall be fined in any sum not less than Five Dollars (\$5.00) nor more than Twenty-five Dollars (\$25.00) for each offense. (April 6, 1908; Ord. Bk. 2, p. 469, Sec. 1.)

Sec. 789. Unlawful for Prostitute, Etc., to Eat, Etc., in Coffee House, Etc.—That it shall be unlawful for any lewd woman or prostitute to frequent any coffee house, restaurant, eating house, saloon or bar room, or to eat or drink therein. (Sept. 14, 1909, Ord. Bk. 2, p. —, Sec. 1.)

Sec. 790. Unlawful for Proprietor to Permit Lewd Woman, Etc., to Frequent, Etc.—That it shall be unlawful for any person, being proprietor of such establishment, to permit any lewd woman or prostitute to frequent any coffee house, restaurant, eating house, saloon or bar room, or to eat or drink therein. (Id., Sec. 2.)

Sec. 791. Penalty—Any person violating the provisions of the next two preceding sections shall be guilty of an offense,

and upon conviction thereof in the Corporation Court shall be fined in any sum not less than Five Dollars (\$5.00) nor more than Fifty Dollars (\$50.00) for each offense, and it shall be a separate offense for each time that any lewd woman or prostitute frequents such establishment, or eats or drinks therein, or is permitted to frequent same, or eat or drink therein. (Id., Sec. 3.)

Sec. 792. Unlawful to Falsely Register as Husband and Wife; Penalty—Any person or persons who may register or permit their name or names to be registered in any hotel, boarding house or rooming house as husband and wife when they are not such in fact shall be guilty of an offense and on conviction thereof in the Corporation Court shall be punished by a fine of not less than Five Dollars (\$5.00) and not more than Fifty Dollars (\$50.00) for each offense. (Sept. 14, 1909; Ord. Bk. 2, p. 532, Sec. 1.)

Sec. 793. Accompanying Lewd Women—Any person who rides or walks through or along any street or sidewalk or other public place (not being an officer in the discharge of his duty) with any prostitute or woman of ill-fame, must be fined not less than One nor more than One Hundred Dollars. (Code 1904, Art. 646.)

Sec. 794. Indecent Apparel or Lewd Conduct in Public—Any person who walks upon the streets or sidewalks indecently attired, or who stands or sits at the door or gate or on the steps of his or her house in an indecent position or lewd manner, must be fined not less than One nor more than One Hundred Dollars. (Id., Art. 647.)

Sec. 795. Appearing in Public in a State of Nudity or in the Dress of the Other Sex—Any person who appears in public in a state of nudity, or who appears in public in the dress of the other sex, or in any indecent or lewd manner, must be fined not less than One nor more than One Hundred Dollars. (Id., Art. 648.)

Sec. 796. Indecent Exposure of the Person, Etc.—Any person who exposes his person in an indecent manner, or who does any obscene or indecent act in any street or other public place, or in the presence of any person, must be fined not less than One nor more than One Hundred Dollars. (Id., Art. 649.)

Sec. 797. Overloading, Abusing or High-checking Animals—Whoever overdrives, overloads, drives when overloaded,

overworks, tortures, torments, deprives of necessary sustenance, cruelly beats, mutilates or kills an animal, or checks the same extremely high, or causes or procures an animal to be so overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of necessary sustenance, cruelly beaten, mutilated or killed, or checked extremely high, and whoever having charge or custody of an animal, either as owner or otherwise, inflicts unnecessary cruelty upon it, or unnecessarily fails to provide it with proper food, drink, shelter or protection from the weather, shall be punished, upon conviction, by a fine not less than Five Dollars and not more than One Hundred Dollars. (Id., Art. 800.)

Sec. 798. Cruelty to Animals—Every owner, possessor or person having charge of an animal who cruelly drives or works it when unfit for labor, or cruelly abandons it, or carries it or causes it to be carried in or upon a vehicle or otherwise, in an unnecessarily cruel or inhuman manner, or knowingly and wilfully authorizes or permits it to be subjected to unnecessary torture, suffering or cruelty of any kind, shall be punished in the manner provided in Section 797. (Id., Art. 801.)

Sec. 799. Police Officer or Citizen Authorized to Uncheck Animals—That any police officer or citizen of the City of Houston shall have the right to uncheck animals left checked upon the streets of the City of Houston. (Id., Art. 802.)

Sec. 800. Bringing Diseased Animals Into the City—Any person who knowingly brings into the city any horse or mule having glanders, nasal gleet, farcy, or other infectious or contagious disease, whereby the health or lives of other horses or mules shall be endangered, or who allows the same to run at large within the city, must be fined not less than One nor more than One Hundred Dollars. (Id., Art. 803.)

Sec. 801. Selling Diseased Animals at Auction—Any person who knowingly sells at auction as an auctioneer, or who causes, allows or procures to be sold by an auctioneer, any glandered or diseased horse or mule, whereby the life or health of any other horse or mule shall be endangered, must be fined not less than One nor more than One Hundred Dollars. (Id., Art. 804.)

Sec. 802. Unlawful to Sell Native Birds; Exception—It shall be unlawful for any person to barter, hawk or peddle or offer for sale on the streets of the city or elsewhere therein, any native bird of any kind or description, save and except domestic fowls and birds for food. (Id., Art. 820.)

Sec. 803. Unlawful to Catch Wild Birds—It shall be unlawful for any person to ensnare or catch by any means whatsoever any wild birds, old or young, within the limits of the city. (Id., Art. 821.)

Sec. 804. Penalty—Any person violating either of the two next preceding sections shall be fined not less than Five nor more than Twenty-Five Dollars. (Id., Art. 822.)

Sec. 805. Unlawful for Arrested Persons, Etc., to Give Assumed, Etc., Names—That it shall be unlawful for any person under arrest, or in the custody of peace officers of the City of Houston, and charged with an offense against the laws of this State or the ordinances of this city, to give an assumed or fictitious name, or an alias, or fail or refuse to give any name, upon the request of such officers, other than his true name. (Jan. 21, 1914; Ord. Bk. 4, p. 34, Sec. 1.)

Sec. 806. Unlawful for Arrested Persons, Etc., to Give False, Etc., Place of Residence, Etc.—That it shall be unlawful for any person under arrest or in the custody of peace officers of the City of Houston and charged with an offense against the laws of this State or the ordinances of this city, to give a false or fictitious place of residence, or any other than the true place of residence, upon the request of such peace officers. (Id., Sec. 2.)

Sec. 807. Unlawful for Peace Officers to Receive False Name, Etc.—That it shall be unlawful for any peace officer of the City of Houston to knowingly receive from any person arrested by him, or in his custody, charged with a penal offense, any name and place of residence or either the name or the place of residence other than the true name and true place of residence of such person. (Id., Sec. 3.)

Sec. 808. Unlawful for Peace Officers to File Charge Knowingly Under False, Etc., Name—That it shall be unlawful for any peace officer of the City of Houston to knowingly file a charge against any person charged with a penal offense under a fictitious or assumed name, or alias, or any other than the true name of such person. (Id., Sec. 4.)

Sec. 809. Penalty—Any person found guilty of violating Sections 805 and 806, or either of them, shall be fined in any sum not less than One Dollar nor more than Two Hundred Dollars. (Id., Sec. 5.)

Sec. 810. Peace Officers Violating to Be Dismissed—Any person in the employ of the City of Houston as a peace officer who shall be found guilty of a violation of Sections 807 and 808, or either of them, shall be dismissed from the service of the city forthwith. (Id., Sec. 6.)

CHAPTER XXIX.

Public Peace and Order.

Sec. 811. Fighting—If any two or more persons shall fight together in a public place, they shall be punished by a fine not exceeding One Hundred Dollars. (Code 1904, Art. 576.)

Sec. 812. Disorderly Conduct in Public Place or Private House—If any person shall go into any public place, or into or near any private house, and shall use loud, vociferous or obscene, vulgar or indecent language, or swear or curse, or expose his person, or rudely display any pistol or other deadly weapon in such public place, or upon such public street or highway, or near such private house, in a manner calculated to disturb the inhabitants thereof, he shall be fined in a sum not exceeding One Hundred Dollars. (Id., Art. 577.)

Sec. 813. Definition of Public Place—A public place is any public road, street or alley, inn, tavern, store, grocery, work shop, or any place to which people commonly resort for purposes of business, recreation or amusement. (Id., Art. 578.)

Sec. 814. Discharging Firearms in City Limits—If any person shall discharge any gun, pistol or other firearms of any description in, or on or across, or near to any public square, street or alley within the limits of this city, he shall be fined in a sum not exceeding One Hundred Dollars. (Id., Art. 579.)

Sec. 815. Definition of Assault and Assault and Battery—The use of any unlawful violence upon the person of another, with intent to injure him, whatever be the means or the degree of violence used, is an assault and battery. Any attempt to commit a battery, or any threatening gesture, showing in itself, or by words accompanying it, an immediate intention, coupled with an ability to commit a battery, is an assault. (Id., Art. 586.)

Sec. 816. Intent to Injure Presumed; Definition of Injury—When an injury is caused by violence to the person the intent to injure is presumed, and it rests with the person inflicting the injury to show the accident or innocent intention. The injury intended may be either bodily pain, constraint, or a sense of shame or other disagreeable emotion of the mind. (Id., Art. 587.)

Sec. 817. May Be Committed on Another Than the Person Intended—An assault, or assault and battery, may be committed, though the person actually injured thereby was not the person intended to be injured. (Id., Art. 588.)

Sec. 818. How an Assault, or Assault and Battery, May Be Committed—An assault, or assault and battery, may be committed by the use of any part of the body of the person committing the offense, as of the hand, foot, head, or by the use of any inanimate object, as a stick, knife or anything else capable of inflicting the slightest injury, or by the use of any animate object, as by throwing one person against another, or driving a horse or other animal against the person. (Id., Art. 589.)

Sec. 819. Any Means Used Capable of Inflicting Injury Comes Within the Definition—Any means used by the person assaulting, as by spitting in the face, or otherwise, which is capable of inflicting an injury, comes within the definition of an assault, or assault and battery, as the case may be. (Id., Art. 590.)

Sec. 820. Explanation of the Terms "Coupled With an Ability to Commit":

1. That the person making the assault must be in such a position that, if not prevented, he may inflict a battery upon the person assailed.

2. That he must be within such distance of the person so assailed as to make it within his power to commit the battery by the use of the means with which he attempted it.

3. It follows that one who is, at the time of making an attempt to commit a battery, under such restraint as to deprive him of the power to act, or who is at so great a distance from the person assailed as that he cannot reach his person by use of the means with which he makes the attempt, is not guilty of an assault; but the use of any dangerous weapon, or the semblance thereof, in any angry or threatening manner, with intent to alarm another, and under circumstances calculated to effect that object, comes within the meaning of an assault. (Id., Art. 591.)

Sec. 821. In What Cases Violence Does Not Amount to Assault and Battery—Violence used to the person does not amount to an assault or battery in the following cases:

1. In the exercise of the right of moderate restraint or correction given by law to the parent over the child, the guardian

over the ward, and the master over his apprentice, and the teacher over the scholar.

2. In the preservation of order in a meeting for religious, political or other lawful purposes.

3. In the preservation of the peace, or to prevent the commission of offenses.

4. In preventing or interrupting an intrusion upon the lawful possession of property.

5. In making lawful arrest and detaining the party arrested in obedience to the lawful order of a magistrate or court, and in overcoming resistance to such lawful order.

6. In self-defense or defense of another against unlawful violence offered to his person or property. (Id., Art. 592.)

Sec. 822. Only Necessary Degree of Force Permitted—

In all the cases mentioned in the preceding section, where violence is permitted to effect a lawful purpose, only that degree of force must be used which is necessary to effect such purpose. (Id., Art. 593.)

Sec. 823. Verbal Provocation No Justification, but May Be Pleaded in Mitigation—No verbal provocation justifies an assault and battery, but insulting and abusive words may be given in evidence in mitigation of the punishment affixed to the offense. (Id., Art. 594.)

Sec. 824. Definition of Battery—The word “battery” is used in this chapter in the same sense as “assault and battery.” (Id., Art. 595.)

Sec. 825. Degrees of Assault—An assault is either a simple assault, an aggravated assault, or an assault with intent to commit some other offense. (Id., Art. 595.)

Sec. 826. Penalty for Simple Assault—The punishment for a simple assault or assault and battery, unattended with circumstances of aggravation, shall be a fine not less than Five nor more than Twenty-five Dollars. (Id., Art. 597.)

Sec. 827. Causing Arrest on Frivolous or Malicious Charge—Any person who causes or procures the arrest of another on any frivolous or malicious charge is guilty of an offense and upon conviction shall be fined not less than Five Dollars nor more than Twenty Dollars. (Id., Art. 626.)

Sec. 828. Inciting Rescue or Resistance to Arrest—Any person who wilfully or intentionally does any act, or utters any word in the hearing of another, encouraging, inciting or

proposing or tending to encourage or incite the forcible or unlawful rescue of any person in the custody of a policeman or officer of the city, or the prevention or hindrance of any lawful arrest; or who uses violence to any policeman or officer of the city in the execution of his duty, or any person summoned to aid in making an arrest, shall be deemed guilty of riotous conduct, and must be fined not less than One nor more than One Hundred Dollars. (Id., Art. 627.)

Sec. 829. Resisting or Interfering With an Officer in the Discharge of His Duty—Any person who assaults, strikes, or in any manner opposes, molests, abuses or interrupts any officer of the city, or any policeman, in the execution of his duty, must be fined not less than One nor more than One Hundred Dollars. (Id., Art. 628.)

Sec. 830. Refusing to Assist Officer—Any person who, having been summoned or commanded by any policeman or other city officer having authority to assist such officer in making an arrest, or in executing any other duty devolving upon him under any law of the city in relation to public offenses within the city, refuses or neglects to obey such summons or command, must be fined not less than One nor more than One Hundred Dollars. (Id., Art. 652.)

Sec. 831. Aiding the Escape of Prisoners—Any person who assists another in the custody of an officer to escape, or in attempting to escape from such custody, or who rescues or attempts to rescue another from the custody of an officer, must be fined not less than One nor more than One Hundred Dollars. (Id., Art. 653.)

Sec. 832. Unlawful Throw Water, Confetti, Etc.; Penalty—That it shall be unlawful for any person to throw upon or against the clothes or person of any pedestrian or other person or persons standing upon or traveling along or over any of the public streets, sidewalks, public places or ways of the City of Houston, water, ink, perfumery, acids or liquids of any kind; sand or any like object; and it shall be unlawful also to throw confetti or small bits of paper, whether mixed or unmixed with other substance, upon the clothing or person of any pedestrian or other person standing upon or traveling along or over any of the public streets, sidewalks or public places in the City of Houston. (Amendment Nov. 9, 1910; Ord. Bk. 3, p. 15, Sec. 1.)

Any person violating this section shall, upon conviction thereof in the Corporation Court, be punished by a fine of not less than Five Dollars (\$5.00) nor more than One Hundred Dollars (\$100.00). (Id.)

Sec. 833. Using Squawkers, Etc.; Penalty—That it shall be unlawful for any person or persons to use upon any public street, sidewalk, public place or way of the City of Houston any rubber ball, squawker, shooting cane, feather duster, wind-bag or spanker, squirt gun, bells or any other article or contrivance of a like nature intended to create an unusual noise, upon any such street, sidewalk, public place or way, or to interfere in any manner with any pedestrian or other person or persons upon or passing or traveling along any such street, sidewalk, public place or way. (Amendment Nov. 22, 1904; Ord. Bk. 2, p. 162, Sec. 2.)

That any person violating any of the provisions of this section shall be punished by a fine of not less than Five Dollars (\$5.00) nor more than One Hundred Dollars (\$100.00). (Id., Sec. 3.)

Sec. 834. Injuring or Defacing Buildings, Walls, Fences, Etc.—Any person who maliciously, wantonly or wilfully injures any church or other building, either public or private; or who writes or draws figures, letters or characters on the walls, fences or enclosures thereof, must be fined not less than One Dollar (\$1.00) nor more than One Hundred Dollars (\$100.00). (Code 1904, Art. 617.)

Sec. 835. Taking Possession of Property Without Permission—Any person who moves into or takes possession of any dwelling house, out-house, or other building or lot, the property of another; without the consent of the owner or agent thereof, must be fined not less than One Dollar (\$1.00) nor more than One Hundred Dollars (\$100.00). (Id., Art. 618.)

Sec. 836. Malicious Mischief—Any person who unlawfully, wilfully or maliciously breaks, throws down, destroys or carries away any gate, step or door, the property of another, or who shall take down, deface or carry away any sign board, plate or card which indicates the name, occupation or business of any person, firm or corporation, must be fined not less than One Dollar (\$1.00) nor more than One Hundred Dollars (\$100.00). (Id., Art. 619.)

Sec. 837. Unlawfully Entering a Theater or Other Place of Public Amusement—Any person who enters, or attempts to

enter, any theater or other place of public amusement when any exhibition, performance or entertainment is being given, without the payment of the admission fee, or without having an entrance ticket, and against the consent of the lessee, agent or manager thereof, must be fined not less than One Dollar (\$1.00) nor more than One Hundred Dollars (\$100.00). (Id., Art. 620.)

Sec. 838. Loitering About the Premises of Another—Any person who is found loitering about the property or upon the premises of another without being able to give a good account of himself must be fined not less than One Dollar (\$1.00) nor more than One Hundred Dollars (\$100.00). (Id., Art. 621.)

Sec. 839. Suspicious Intrusion; Intrusion After Being Warned—Any person who is found on the premises of another in the night time, under suspicious circumstances, and who, without legal cause, or good excuse, enters into the dwelling house or on the premises of another after having been warned not to do so, must be fined not less than One Dollar (\$1.00) nor more than One Hundred Dollars (\$100.00). (Id., Art. 622.)

Sec. 840. Unlawful Intrusion—Any person who enters into the dwelling house, place of business, or upon the premises of another for any unlawful purpose must be fined not less than One Dollar (\$1.00) nor more than One Hundred Dollars (\$100.00). (Id., Art. 623.)

Sec. 841. Disturbing Females in Public Assembly—Any person who, by rude or indecent behavior, or by profane or obscene language, disturbs any female in any public assembly, met for the purpose of amusement, instruction or recreation, must be fined not less than One Dollar (\$1.00) nor more than One Hundred Dollars (\$100.00). (Id., Art. 629.)

Sec. 842. Making Goo-goo Eyes, Etc.; Penalty—That any male person in the City of Houston who shall stare at, or make what is commonly called "goo-goo eyes" at, or in any other manner look at or make remarks to or concerning, or cough or whistle at, or do any other act to attract the attention of any woman or female person upon or traveling along any of the sidewalks, streets, or public ways of the City of Houston, with the intent or in a manner calculated to annoy, or to attempt to flirt with any such woman or female person, shall be deemed guilty of a misdemeanor, and, upon conviction thereof in the Corporation Court of the City of Houston, shall be fined in any sum not exceeding One Hundred Dollars (\$100.00). (Sept. 5, 1905, Ord. Bk. 2, p. 237, Sec. 1.)

Sec. 843. Disorderly Conduct in Public Assemblies—Any person who, by boisterous talking, whistling, or any rude or indecent act or conduct, disturbs the audience at any show, theater, exhibition, performance, or other lawful public assembly or meeting, must be fined not less than One Dollar (\$1.00) nor more than One Hundred Dollars (\$100.00). (Code 1904, Art. 630.)

Sec. 844. Disturbing Public Worship or Schools—Any person who interrupts or disturbs any congregation, school or assemblage of people met for religious worship, by noise, profane discourse, rude or indecent behavior, must be fined not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00). (Id., Art. 632.)

Sec. 845. Sleeping Upon the Streets or Sidewalks—Any person who sleeps upon any street or sidewalk must be fined not less than One Dollar (\$1.00) nor more than One Hundred Dollars (\$100.00). (Id., Art. 644.)

Sec. 846. Sprinkling Foot Crossings—Any person in charge of a street sprinkling water cart who shall sprinkle the foot crossings on any street in the city must be fined Ten Dollars (\$10.00). (Id., Art. 657.)

Sec. 847. Certain Bands of Music Prohibited From Playing on Streets—The playing of bands upon the streets of or in other public places in the City of Houston, with a view to taking up a collection from the bystanders by someone, for the benefit of the members composing said band, is hereby declared to be a nuisance and unlawful. (Id., Art. 677.)

Sec. 848. Every Member Subject to Fine—Every member of a band of musicians that shall play upon a street or streets or in a public place in the City of Houston, with a view to taking up or having taken up a collection from the bystanders, shall be guilty of committing a nuisance; provided, that this shall not be construed to apply to religious organizations that conduct their services in the streets or in other public places. (Id., Art. 678.)

Sec. 849. Penalty—That every person who shall violate Sections 847 and 848, by playing in such a band, shall be fined not less than One Dollar (\$1.00) nor more than One Hundred Dollars (\$100.00). (Id., Art. 679.)

Sec. 850. Unlawful Conversation With Prisoners—It shall be unlawful for any person on the outside of the city

prison to hold any conversation with any of the inmates therein confined, without first obtaining permission of the jailer; and any person who violates this section shall, upon conviction, be fined in a sum not less than Two Dollars (\$2.00) nor more than Ten Dollars (\$10.00). (Id., Art. 679.)

Sec. 851. Penalty for Working on Sundays—Any person who shall hereafter labor, or compel, force or oblige his employees, workmen or apprentices to labor on Sunday, shall be fined not less than Ten Dollars (\$10.00) nor more than Fifty Dollars (\$50.00). (Id., Art. 681.)

Sec. 852. Exceptions to Sunday Law—The preceding section shall not apply to household duties, works of necessity or charity; nor to necessary work on farms or plantations in order to prevent the loss of any crop; nor to the running of steamboats and other water craft, rail cars, wagon trains, common carriers, nor to the delivery of goods by them or the agents, to whom said goods are delivered; nor to stages carrying the United States mail or passengers; nor to foundries, ferrymen or keepers of toll bridges, keepers of hotels, boarding houses and restaurants, and their servants; nor to keepers of livery stables and their servants; nor to any person who conscientiously believes that the seventh, or any other day of the week, ought to be observed as the Sabbath, and who actually refrains from business and labor on that day for religious reasons. (Id., Art. 682.)

Sec. 853. Penalty for Horse Racing or Gaming on Sunday—Any person who shall run, or be engaged in running, any horse race, or who shall permit or allow the use of any nine or ten pin alley, or shall be engaged in match shooting, or any species of gaming for money or other consideration, within the limits of the city, on Sunday, shall be fined not less than Twenty Dollars (\$20.00) nor more than Fifty Dollars (\$50.00). (Id., Art. 683.)

Sec. 854. Penalty for Selling or Trading on Sunday; Proviso—Any merchant, grocer, or dealer in wares or merchandise, or trader in any lawful business whatever, who shall barter or sell on Sunday, shall be fined not less than Twenty Dollars (\$20.00) nor more than Fifty Dollars (\$50.00); provided, this section shall not apply to markets or dealers in provisions as to sales made by them before 9 o'clock a. m., nor shall the provisions in relation to the Sunday law apply to dealers in ice, vendors of newspapers, proprietors of bathing saloons, nor to bakers. (Id., Art. 684.)

Sec. 855. Goats and Hogs—Any person who shall permit, allow or suffer his or her hogs, sows, or goats to go at large within the city limits shall be deemed guilty of a misdemeanor, and on conviction may be fined in any sum not less than One Dollar (\$1.00), nor more than Ten Dollars (\$10.00), and such animals shall be destroyed or disposed of by the Chief of Police, in any manner he may see fit, not conflicting with the next following section, and if not sufficiently valuable to pay expenses incident to impounding and sale. (Id., Art. 787.)

Sec. 856. The Chief of Police May Destroy—The Chief of Police may speedily destroy or dispose of all hogs, sows, pigs or goats found running at large within the city limits if in his judgment same will not sell at public sale for a sufficient sum to cover expense incident to impounding, keeping and sale. (Id., Art. 788.)

Sec. 857. May Be Admitted; When—The two next preceding sections shall not be so construed as to prevent any person from bringing hogs or goats into the city for sale, the same being immediately under their charge, nor to interfere with parties in transit through the city with their hogs or goats. (Id., Art. 789.)

Sec. 858. Stock Limits; Certain Animals Running at Large, a Nuisance—The following districts and such others as may hereafter be added by amendment to this section shall constitute the stock limits of the City of Houston, and the running at large of horses, mules, jacks, jennets, cattle, sheep, goats, hogs and geese within so much of the city limits of the City of Houston, Harris County, Texas, as is included within the said district is hereby declared to be a nuisance and shall be unlawful:

First District: A territory four miles square to be run with the cardinal points of the compass of which the Court House in the City of Houston shall be the center.

Second District: Beginning on the north line of the San Felipe Road at the southeast corner of the Laurel Park Addition to the City of Houston where the west line of the First stock district above described crosses said road; running thence with the north line of said San Felipe Road west to the turn thereof; thence south to the next turn of said road, and thence west again to the southeast corner of Lot 13 out of Large Lot 48 of the Obedience Smith Survey, and due north on the west line of the "Etta" or "Harlow" school; thence due south passing the said school house crossing the Westheimer

Road on the western boundary of Hyde Park Heights Addition; thence following said line in the same direction to the right of way of the San Antonio & Aransas Pass Railroad; thence with the said right of way to the southwest corner of the First stock district as defined above; thence due north to the place of beginning following the west line of the First stock district. (Amendment Art. 790, April 1, 1914, Ord. Bk. 4, p. —, Sec. 1.)

Sec. 859. Definition "to Run at Large," Etc.—The term "to run at large" or "running at large" as used in this code of ordinances includes any animal whatsoever which may be staked, tied or hobbled in any manner within the limits defined, in such manner as to allow such animals to go or get upon the adjacent sidewalk or, when not in use, upon the street. (July 24, 1905, Ord. Bk. 2, p. 222, Sec. 1, Amendment Art. 691.)

Sec. 860. Public Pound; Chief of Police Shall Establish—It shall be the duty of the Chief of Police to establish a public pound in the city, at such place as may be designated by the City Council, where all animals of the above description found running at large in violation of the above two preceding sections shall be received and taken care of. It shall be the duty of the Chief of Police to cause all horses, mules, jacks, jennets, cattle, sheep, goats, hogs and geese found running at large within the limits mentioned in Section 858 contrary to the provisions of the two preceding sections to be gathered and impounded in the public pound, and the Chief of Police shall sell the same at public auction for cash, first giving five days' notice of the time, terms and place of sale, in some daily newspaper published in the City of Houston, and by notice placed at the court house door of Harris County, describing the animal impounded, and that a fee of fifty cents shall be charged for each animal impounded, and all fees collected shall be remitted to the City Assessor and Collector, or to the City Treasurer, as may be provided by ordinance, provided that as to goats and hogs the Chief of Police may proceed as provided in Sections 855 and 856. (Code 1904, Art. 792.)

Sec. 861. Method of Redeeming Impounded Animals—The owner of any animal or animals impounded, as provided for in the preceding section, may redeem the same as follows:

1. **Before Sold**—By paying seventy-five cents for taking up and keeping, and the officer's fee of fifty cents for im-

pounding the same, together with the cost of advertising, if any.

2. **After Sold**—By paying to the purchaser double the amount bid by him for such animal or animals, and his reasonable expenses for keeping the same; provided the owner redeems said animal, as herein provided, within thirty days after the date of sale, otherwise said animal to become the absolute property of the purchaser. (Id., Art. 793.)

Sec. 862. If Not Sold, Shall Be Killed—If at the time of the sale no purchaser can be found for any of the animals impounded under the provisions of the preceding sections, the Chief of Police shall kill all such animals, or cause them to be killed, and shall deposit the carcasses in such place as may be designated for such matter. (Id., Art. 794.)

Sec. 863. Exemptions—This chapter shall not be so construed as to prevent any person or persons from bringing or driving any of the animals hereinbefore mentioned into the city for sale, the same being under the immediate charge of themselves or their agents, nor shall it be so construed as to interfere with parties in transit through the city with any of said animals. Milch cows in charge of any person going to or coming from pasture shall also be exempt from the operations of this chapter. (Id., Art. 795.)

Sec. 864. Only Policemen Shall Impound; Penalty for Driving Within Area, Etc.—It shall not be lawful for any person other than a duly appointed and qualified policeman of the City of Houston, the Chief of Police of said city, or his deputy, to engage in the catching or impounding of animals, nor shall any reward be given for such catching or impounding, and any person detected in driving any of said animals into said prescribed area other than as hereinbefore authorized, and any officer authorized to catch and impound said animals detected in offering a reward of any kind whatsoever to any person or persons to catch or impound said animals, or a reward to drive them within the prescribed limits, shall be deemed guilty of an offense, and upon trial and conviction shall be fined in a sum not less than Ten Dollars (\$10.00) nor more than Twenty-five Dollars (\$25.00), for each and every offense. (Id., Art. 796.)

Sec. 865. Proceeds of Sale of Stock—Any money received into the City Treasury from the net proceeds of the sale of impounded stock shall be paid to the owner thereof. (Id., Art. 818.)

Sec. 866. Pigeons—It shall be unlawful for any person to keep or maintain any pigeon house, or place to keep pigeons, or to keep or maintain pigeons for breeding or other purposes; and any person violating this section must be fined not less than Ten Dollars (\$10.00) nor more than Fifty Dollars (\$50.00). (Id., Art. 819.)

Sec. 867. Certain Fowls Not to Run at Large; Penalty—That it shall be unlawful for the owner or keeper of any geese, ducks, turkeys, chickens or other domestic fowls to permit same to run at large in the streets and highways of the City of Houston, and any owner or keeper of any geese, ducks, turkeys, chickens or other domestic fowls, who shall permit same to run at large in violation of this section to the inconvenience or annoyance of persons residing in the neighborhood, shall be deemed guilty of a misdemeanor and upon conviction thereof in the Corporation Court shall be fined in any sum not less than One Dollar (\$1.00) nor more than Fifty Dollars (\$50.00). (May 15, 1911, Ord. Bk. 3, p. 30, Sec. 1.)

Sec. 868. Unlawful to Display Live Stock on Streets for Sale—It shall be unlawful for any person or persons to use any street or streets of the City of Houston as a place on which to display horses or other live stock for sale, or to sell the same on said street or streets in any manner that will create an annoyance, or which will create any inconvenience or nuisance to the public in the free and uninterrupted use of said street or streets. (Code 1904, Art. 797.)

Sec. 868a. Penalty—Any person who shall be guilty of violating the above section shall, upon conviction before the Recorder of the City of Houston, be fined in any sum not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00), and each violation shall be deemed a separate offense. (Id., Art. 798.)

Sec. 869. Unlawful for Stabled Animals to Make Disturbance; Penalty—That any person who shall stable or keep a horse or horses, mule or mules, or any other animal in the city limits, in such a manner that said animal, by stamping or kicking, creates such a noise as shall be a disturbance to those living in the vicinity, shall be deemed guilty of a misdemeanor, and, upon conviction before the Corporation Court, shall be fined in any sum not less than One Dollar (\$1.00) nor more than One Hundred Dollars (\$100.00). (Id., Art. 799.)

Sec. 870. Wounded Animals to Be Killed—That when from any cause it may happen that any horse, mule, cow, calf, steer, goat, sheep, dog or other domestic animal within the corporate limits of the City of Houston shall be so wounded, maimed or injured as to render its recovery hopeless, then and in that event it shall become the duty of the Chief of Police to kill or destroy, or cause to be killed or destroyed, such animal so injured, and as soon after such injury as practicable, and in such manner as in his judgment shall be the least painful, and to cause the carcass thereof to be removed to such place as may be set apart for such matter. (Id., Art. 805.)

Sec. 871. Chief of Police to Report Animals Killed—When it occurs that the Chief of Police shall kill or cause to be killed any animal named in Section 870, by authority of said article, it shall become his duty to at once file with the City Secretary a report in writing of such killing, and said report shall show:

First—A description of the animal killed, and the name of the owner thereof, if known.

Second—The injury which made the killing necessary, and how same was inflicted, and by whom, if known.

Third—The names of at least two reliable witnesses, who are conversant with the facts of the injury and the killing. (Id., Art. 806.)

Sec. 872. Using Animals or Vehicles Without Consent of Owner, Etc.—Any person who takes or uses temporarily any animal or any vehicle for the transportation of things or persons, owned or controlled by another, without the consent or assent of such owner or person having the control thereof; or any servant or other person while in charge of such animal who rides, drives or makes improper use of the same contrary to the will or wishes of the owner or person having the custody or control thereof, must be fined not less than One Dollar (\$1.00) nor more than One Hundred Dollars (\$100.00). (Id., Art. 807.)

CHAPTER 30.

PUBLIC POLICY.

Sec. 873. Enticing Any Person to Bet or Wager—Any person or persons who shall entice or persuade any person or persons to bet or wager money or any valuables on any game of chance played with cards, or other device, of whatsoever kind, or to bet on any device of whatsoever kind any money or other valuables, or who shall entice or persuade any person or persons to go into any saloon, building, room, or any other place of whatsoever character, in order to have such person or persons bet or wager money or any valuables on any game of chance, played with cards, or other device, of whatsoever kind, or to bet or wager on any such device any money or other valuable, shall be deemed guilty of misdemeanor, and shall be fined in any sum not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00). (Code 1904, Art. 598.)

Sec. 874. Gaming With Cards—If any person shall play at any game with cards, at any house for retailing spirituous liquors, store house, inn, tavern, or other public house, or in any street, highway or other public place, or in any out-house where people resort, he shall be fined not less than Ten Dollars (\$10.00) nor more than Twenty-five Dollars (\$25.00). (Id., Art. 899.)

Sec. 875. What Places Are and Are Not Included in Preceding Article—All houses commonly known as public, and all gaming houses are included within the meaning of the preceding section. Any room attached to such public house and commonly used for gaming, is also included, whether the same be kept closed or open. A private room of an inn or tavern is not within the meaning of public places, unless such room is commonly used for gaming; nor is a private business office nor a private residence to be construed as within the meaning of a public house or place; provided, said private residence shall not be a house for retailing spirituous liquors. (Id., Art. 600.)

Sec. 876. What It is Not Necessary to Prove—In prosecutions under the two preceding sections, it shall not be necessary to prove that any money or article of value, or the repre-

sentative of either, was bet at such game. The offense is complete without such proof. (Id., Art. 601.)

Sec. 877. "Policy" Game—That it is hereby declared unlawful and a nuisance for any person to keep, exhibit or use, for the purpose of playing the game known as policy, any wheel, machine or device used for said purpose. (Id., Art. 601.)

Sec. 878. Chief of Police to Take Charge of Device—That upon complaint being made that any person is keeping, using or exhibiting any such wheel, machine or device for such purpose, the Judge of the Corporation Court is hereby ordered to issue his warrant, directed to the Chief of Police or any police officer, commanding them to take such wheel, machine or device into their possession and keep the same, to be dealt with according to law; said Judge shall, at the same time, issue a notice addressed to such person or persons as may be alleged to keep the same, commanding them to appear before him at some reasonable time to answer such complaint. Upon the hearing of such complaint, if it be found that such machine, wheel or device was kept by such party for such purpose, the Judge shall thereupon order said wheel, machine or device to be destroyed by the Chief of Police. (Id., Art. 605.)

Sec. 879. Purchase of Tickets Unlawful—It shall be unlawful for any person to purchase or receive, for the purpose of playing at said game of policy, for himself or another, any ticket, card or other evidence of a chance or right to participate in any drawing or any such game known as policy. (Id., Art. 606.)

Sec. 880. Unlawful to Rent Building, or Permit It to Be Used for Exhibiting a Policy Wheel—It shall be unlawful for any person, either as landlord or agent, to rent or permit to be used any house, structure or tenement or property whatever for the purpose of carrying on or allowing to be carried on the game known as policy therein or thereupon. (Id., Art. 607.)

Sec. 881. Penalty—Any person who shall violate either of Sections 877, 879 or 880, shall be fined in a sum not less than One Dollar, nor more than Fifty Dollars. (Id., Art. 608.)

Sec. 882. Witness May Be Compelled to Testify, but Shall Not Be Liable to Prosecution; Conviction on Unsupported Evidence—Any tribunal having jurisdiction of the offenses enumerated in this chapter may subpoena persons and compel their attendance as witnesses to testify as to violations of any

of the provisions of this chapter. Any person so summoned and examined shall not be liable to prosecution for any violation of the provisions of this chapter about which he may testify, and for any offense against the provisions against gaming herein contained, a conviction may be had upon the unsupported evidence of an accomplice or participant. (Id., Art. 616.)

Sec. 883. Pool Rooms; Places for Receiving or Telegraphing Bets, Etc.; Penalty—That it shall be unlawful for any person, firm or corporation to keep, maintain, operate or conduct any place, either for themselves or as agent for another, in the City of Houston in which the business of receiving or telegraphing offers to bet, or of transmitting money to any race track or other place, there to be placed or bet on any horse race, either within or without this State, is permitted or carried on, and any person, firm or corporation so doing shall be guilty of an offense, and on conviction in the Corporation Court shall be punished by a fine in any sum not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00) for each offense, and it shall be a separate offense for each day that said place is kept.

Any place maintained, operated or conducted for any of the purposes above declared unlawful, or for all of said purposes, is a "pool room" within the meaning of the term as used in this chapter, and the maintenance of such place is declared unlawful and prohibited. (April 13, 1908; Ord. Bk. 2, p. 470, Sec. 1.)

Sec. 884. Persons Not to Loiter, Etc., in, Etc., Pool Rooms; Penalty—That it shall be unlawful for any person or persons to loiter or congregate in or about any place kept or maintained in the City of Houston for the purposes defined in the preceding section, and any person so doing shall be guilty of an offense, and on conviction thereof in the Corporation Court shall be punished by a fine in any sum not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) for each offense. (Id., Sec. 2.)

Sec. 885. Assisting in Doing Things Done by Pool Rooms; Penalty—That it shall be unlawful for any person to be engaged in or to assist in or in any way to be concerned in the carrying on of the business of receiving or telegraphing offers to bet or of transmitting money to any race track or other place, there to be placed or bet on any horse race, either within or without this State, and any person guilty of such offense

shall on conviction thereof in the Corporation Court be punished for each offense by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00). (Id., Sec. 3.)

Sec. 886. Unlawful to Furnish, Etc., to Owners, Etc., Pool Rooms, Messages, Etc.; Penalty—That it shall be unlawful for any telegraph, telephone or messenger company, or any officer, agent, messenger or employee thereof, to furnish, deliver or communicate to any owner, proprietor, agent or employee of any such place or establishment as is defined in Section 883, maintained, kept, operated or conducted in the City of Houston for any of the purposes defined in Section 883, any message, communication or information to be used at such place or establishment as is defined in Section 883, concerning any horse race or races, either in or out of the State of Texas; and any company, person, firm or corporation that shall violate any provision of this section shall on conviction be fined in any sum not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00) for each offense, and each message or communication so furnished or delivered or communicated shall constitute a separate offense. (Id., Sec. 4.)

Sec. 887. Telegraph, Etc., Wires or Instruments in Pool Rooms; Penalty—If any telegraph or telephone company, or any agent thereof, shall knowingly permit any telegraph or telephone wire or instrument to remain in any pool room as heretofore defined, or shall knowingly permit any of the wires, instruments or equipments of such telegraph or telephone company to be used by any person engaged in the business rendered unlawful by this chapter, whether or not the same be leased by the person or persons so illegally using the same, such company or agent, or both, shall be fined not less than Twenty-five Dollars (\$25.00) or more than Two Hundred Dollars (\$200.00) for each offense, and each day this section is violated shall constitute a separate offense. (Id., Sec. 5.)

Sec. 888. Telegraph, Etc., Messages to Pool Establishments Forbidden; Penalty—That it shall be unlawful for any telegraph, telephone or messenger company, or any officer, agent, messenger or employee thereof, to furnish, deliver or communicate to any owner, agent or employee of any pool establishment as above described, maintained, kept, operated or conducted in the City of Houston, any message, communication or information to be used at such place or establishment, concerning any horse race or races, either in or out of the

State of Texas; and any company, person, firm or corporation that shall violate any provision of this section shall, on conviction, be fined in any sum not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00) for each offense, and each message or communication so furnished or delivered or communicated shall constitute a separate offense. (April 16, 1908; Ord. Bk. 2, p. 471, Sec. 1.)

Sec. 889. Telegraph, Etc., Wires to Pool Establishments Forbidden; Penalty—If any telegraph or telephone company, or any agent thereof, shall knowingly permit any telegraph or telephone wire or instrument in any pool establishment as heretofore defined, or shall knowingly permit any of the wires, instruments or equipments of such telegraph or telephone company to be used by any person engaged in the unlawful business hereinbefore described, whether or not the same is leased by the person or persons so illegally using the same, such company or agents, or both, shall be fined not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00) for each offense, and each day this section is violated shall constitute a separate offense. (Id., Sec. 2.)

Sec. 890. Unlawful to Bet on Horse Races, Except; Penalty—That it shall be unlawful for any person to offer to bet or to tender a bet in the City of Houston on any horse race, except on the day and within the inclosure where such race is run, whether such horse race is had in this or any other State, and any person so doing contrary to the terms of this section shall be guilty of an offense, and on conviction thereof in the Corporation Court shall be fined in any sum not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00) for each offense, and it shall be a separate offense for each time such person offers to bet or tenders a bet. (April 13, 1908; Ord. Bk. 2, p. 470, Sec. 1.)

Sec. 891. State Convicts Shall Not Be Employed on Public Work—No State convicts shall be allowed or permitted to work or be employed in any public place within the city limits; and any person, contractor, sergeant or guard who shall employ or work any State convicts within the city limits, or who shall guard State convicts employed within said city limits, shall be fined not less than Five nor more than One Hundred Dollars. (Code 1904, Art. 625.)

Sec. 892. Bringing Paupers Into the City—Any person who knowingly brings or causes to be brought into the city any person having no means of support, and who is unable or

unwilling to work, must be fined not less than One nor more than One Hundred Dollars. (Id., Art. 624.)

Sec. 893. Indigent Persons Not to Be Brought Into City by Carriers—That it shall be unlawful for any common carrier by rail, water or otherwise, to bring into, or cause to be brought into, the City of Houston any indigent person from any other State than Texas, or from any county in Texas, other than Harris County, Texas, and that the failure of any common carrier, by rail, water or otherwise, their agents or employees, to make proper and diligent inquiry of any indigent person before carrying him or her from any other place, State or county outside of Harris County, to said city, shall constitute guilty knowledge and shall be prima facie evidence of a violation hereof; provided, that this section shall not apply to passengers passing through the City of Houston to other States or to other counties within the State of Texas. (Sept. 2, 1912; Ord. Bk. 3, p. 136, Sec. 1.)

Sec. 894. Definition Indigent Person—That an indigent person within the meaning of the preceding and succeeding section is a person without means of support, an idle person living without employment and in need of sustenance; a person without fixed domicile who wanders about the streets, public squares and public places, uninhabited buildings, sheds, etc., who is not able to satisfactorily account for such conduct; any person whose appearance, conduct or behavior indicates to a reasonable person exercising ordinary care and discretion that such person or persons will in all likelihood become a vagrant or vagrants and a burden upon the City of Houston, or any community into which they go. (Id., Sec. 2.)

Sec. 895. Penalty—Any common carrier, either by rail, water or otherwise, their agents or employees, who shall violate the provisions of Section 893, shall, upon conviction thereof in the Corporation Court, be fined in any sum not less than Five Dollars (\$5.00) nor more than Two Hundred Dollars (\$200.00), provided, that the bringing into Houston of indigent persons in violation of Section 893 shall be an offense upon the part of the officers of such common carrier, so violating said section, as well as upon the part of the carrier itself and its agents and employees thus offending. (Id., Sec. 3.)

Sec. 896. Circuses Prohibited Between Certain Dates—That there shall be no circus or part of a circus held or conducted within the City of Houston at any time from the 1st to and including the 20th day of November in any year, and

any and all circuses or part of circuses are prohibited from exhibiting anywhere within the limits of the City of Houston in or during the said time. (Oct. 21, 1907; Ord. Bk. 2, p. 451, Sec. 1.)

Sec. 897. Definition of Circus—That the term circus, as used herein, shall not only be construed to mean and embrace every show or exhibition commonly known as a circus, but shall include menageries, or a combination of circuses and menageries.

Sec. 898. Penalty—That any person, corporation, or an association of persons, or their agents, or employees, who shall conduct or assist in the conduct of, or shall participate or perform in any way in any circus or part of circus, conducted, held or exhibited in violation of Section 896, or in any manner violate said section, shall be fined not less than One Hundred Dollars (\$100.00) and not more than Two Hundred Dollars (\$200.00); provided, that each exhibition and parade given in violation hereof shall constitute a separate offense. (Id., Sec. 4.)

Sec. 899. Collusion, Etc., in Bidding on Public Improvements—That it shall be unlawful for any two or more persons, firms or corporations, their agents, officers, servants or employees, directly or indirectly, to enter into any collusion or agreement of any kind, oral or otherwise, by which said persons, firms or corporations, either, both or all, shall agree to refrain from bidding on public improvements to be constructed by the City of Houston; or shall agree to submit bids on certain work and not on certain other work to be done by the City of Houston; or shall in any manner attempt to restrain, hinder or influence competitive bids on public work of any kind to be done by the City of Houston. (Mar. 23, 1914; Ord. Bk. 3, p. —, Sec. 1.)

Sec. 900. Penalties—Any person, firm or corporation, and the members of any firm and the officers and directors of any corporation, who shall violate the foregoing section, or who shall suffer or permit, directly or indirectly, any employee, agent or servant to violate said section, and any employee, agent or servant of such person, firm or corporation, who shall violate said section, shall be deemed guilty of an offense, and upon conviction shall be fined in the sum of Two Hundred Dollars; and in addition to said penalty shall be subject to the further penalties contained and set forth in Sections 901 and 902. (Id., Sec. 2.)

Sec. 901. Investigation; Witnesses; Rejection of Bids; Findings of Council—That the City Council shall have the right, if it appears that there has been collusion among bidders on any public work to be done by the City of Houston, to investigate and ascertain the facts as to the existence or non-existence of such agreement or collusion, and for that purpose shall have the power to summons witnesses, administer oaths, and to do all things necessary to determine the true facts in all such cases. The accused parties at such proceedings shall have the right to have witnesses summoned, to be represented by counsel and to be heard in their own defense of the charges brought against them. Should the City Council determine, from the evidence before it, that any two or more of the bidders have entered into an agreement in violation of Section 899, it shall so declare, and the bid or bids submitted, if any, by any such person or persons, shall be rejected by the Council. The findings of the City Council shall set forth the names of all persons, firms or corporations found guilty by it of said charge of collusion, and shall declare said bidder or bidders forever precluded and barred from doing any public work under contract with the City of Houston and from submitting bids therefor, and from holding any employment or office of emolument whatsoever in the pay of the City of Houston. Said findings shall be set forth in the form of a resolution, which shall be recorded in the minutes or journal of the Council as a permanent record. (Id., Sec. 3.)

Sec. 902. City Engineer Not to Deliver Bidding Sheets, Etc., to Guilty Parties—It shall be unlawful for the City Engineer, after any such bidder shall have been found guilty by the City Council of such collusion or agreement prohibited by Section 899, knowingly to deliver or to permit to be delivered to any such person, firm or corporation, their employees, officers or agents, any bidding sheets, plans or specifications for public improvements to be constructed by the City of Houston. For a violation of this section the City Engineer shall be subject to removal from office by the Mayor and City Council. (Id., Sec. 4.)

CHAPTER XXXI.**Public Safety.**

Sec. 903. Horse Racing in City Limits—Any person who shall run, or be in any way concerned in running, any horse race in, along or across any public square, street or alley in this city, along or across any public road within the limits of this city, shall be fined in a sum not less than Twenty-five nor more than One Hundred Dollars. (Code 1904, Art. 580.)

Sec. 904. Breaking Horses or Mules on the Streets—Any person who breaks, or attempts to break, any horse upon the streets, or who shall exercise in harness, or attempt to exercise in harness, any wild or unruly horse or mule upon the streets, must be fined not less than One nor more than One Hundred Dollars. (Id., Art. 633.)

Sec. 905. Driving Cattle, Etc., Through City, Unlawful; Proviso—It shall be unlawful to drive cattle, horses, mules, hogs, sheep and goats into or through the City of Houston, or in, or over the streets and ways of said city; providing, however, that nothing in this section shall be so construed as to prevent the driving of cattle, horses, mules, hogs, sheep and goats where same are driven or led by means of a rope, halter, strap lines or other physical means of control and restraint such that said animals can be controlled by the person in charge thereof. (May 15, 1911; Ord. Bk. 3, p. 30, Sec. 1.)

Sec. 906. Penalty—Any person, firm or corporation who shall violate the next preceding section shall be deemed guilty of a misdemeanor and, upon conviction thereof in the Corporation Court, shall be fined in any sum not less than Five Dollars (\$5.00) nor more than Fifty Dollars (\$50.00). (Id., Sec. 2.)

Sec. 907. Unlawful for Dogs to Be at Large—It shall be unlawful for any dog to be at large upon the streets, alleys or public grounds of the City of Houston, in violation hereof. And any dog on the streets, alleys or public grounds of said city shall be at large in violation of this chapter, except a dog under control of his master or agent by means of a chain, rope or cord of sufficient strength to control the action of said dog, or such other personal presence and attention as will reasonably control the conduct of said dog; and the payment of a li-

cense fee as hereinafter provided shall not be construed as a license to run at large. (June 7, 1909; Ord. Bk. 2, p. 511, Sec. 1.)

Sec. 908. Duty Police to Take Up, Etc., Dogs at Large—It shall be the duty of the Chief of Police or other police officer to take up and take charge of any and all dogs found at large in the streets, alleys and public grounds of the City of Houston in violation of the preceding section. (Id., Sec. 2.)

Sec. 909. License Fees on Dogs—That it shall be the duty of the owner of each and every dog in the City of Houston to pay to the Chief of Police of said city a license fee of Two Dollars (\$2.00) annually. That upon the payment of said fee it shall be the duty of the Chief of Police to furnish the owner paying same with a plate upon which shall be a number corresponding with the name of the person registering said dog, and the year in which said registration is made. (Id., Sec. 3.)

Sec. 910. Disposition of Dogs Taken Up, Etc.—It shall be the duty of the Chief of Police or other police officer taking up dogs at large in violation of this chapter, except as hereinafter provided, to carry said dogs to the Police Station, or other suitable place, there to be impounded and detained for a period of three (3) days. That as soon as possible notice shall be posted at the door of said Police Station describing each of said dogs, whether bearing a tag or not, and giving the number of the tag and the name of the owner in each case where the dog bears the license tag, and it shall be the duty of said Chief of Police or other policeman to notify by letter, postal card or telephone, the owner of all dogs registered and bearing the license tag in accordance with this chapter. The mailing of said postal card or letter shall be deemed sufficient notice whether the person addressed shall receive same or not. (Id., Sec. 4.)

Sec. 911. When Police Shall Deliver Dogs to Owner—It shall be the duty of the Chief of Police or other police officer to deliver to the owners thereof or their agents all dogs thus taken up and advertised, when said application shall have been made within three (3) days from the date of impounding of said dogs, upon the payment by said owner or his agent of the sum of Two Dollars (\$2.00) for each and every dog impounded in accordance with this chapter, providing that dogs bearing the proper tag shall not be subject to said payment of Two Dollars (\$2.00), but shall be delivered to the owner

or his agent upon application without said payment. (Id., Sec. 5.)

Sec. 912. Dogs Impounded and Not Redeemed to Be Sold—It shall be the duty of the Chief of Police or other police officer to offer for sale at public outcry any and all dogs impounded under the terms of this chapter and not redeemed within three (3) days, and to sell the same for cash, provided that no dog shall be sold for less than Two Dollars (\$2.00). (Id., Sec. 6.)

Sec. 913. Dogs Not Redeemed or Purchased to Be Killed—It shall be the duty of the Chief of Police or other police officer to cause all dogs not redeemed or purchased as provided herein, to be killed. And it is hereby made the duty of the Chief of Police or other police officer, if at the time of said sale no purchaser can be found, to dispatch and kill each of said animals, and to deposit the carcasses in such place as may be designated for such matter. (Id., Sec. 7.)

Sec. 914. Police to Kill Dogs With Hydrophobia, Etc.—It is hereby made the duty of the Chief of Police or other police officer of the City of Houston to kill and exterminate any and all dogs at large, when said dogs are, or appear to be, affected with hydrophobia, mange or other infectious, contagious or dangerous disease, provided, that it shall not be necessary to impound or advertise such dogs by posting notice, or otherwise, but it shall be the duty of said police officer to kill and exterminate any and all such dogs instanter, except those affected or appearing to be affected with hydrophobia, which shall be so killed after diagnosis accurately made, as provided in Section 495. (Id., Sec. 8.)

Sec. 915. Penalty—Each and every owner of a dog running at large in the streets, alleys, or public grounds of the City of Houston in violation of the next preceding eight sections shall be deemed guilty of an offense, and upon conviction thereof in the Corporation Court shall be fined in any sum not less than One Dollar (\$1.00) nor more than Fifty Dollars (\$50.00), provided, that each day the said dog shall run at large in violation of said sections shall be deemed a separate offense. (Id., Sec. 9.)

Sec. 916. Dogs With Mange Prohibited From Running at Large—That it shall be unlawful for the owner of any dog afflicted with the mange, or any person having the control of any such dog to allow such dog to run at large in the streets

of the City of Houston. (June 12, 1905; Ord. Bk. 2, p. 200, Sec. 1.)

Sec. 917. Penalty—Any person violating the terms of the foregoing section shall, upon conviction thereof, be fined in any sum not less than One nor more than Ten Dollars. (Id., Sec. 2.)

Sec. 918. Duty of Police to Kill—It shall hereafter be the duty of any police officer of the City of Houston to kill and exterminate any dog afflicted with the mange which he may find running at large in the streets of the City of Houston; provided, however, that Section 916 shall not apply to any dog which is being led by its master while on such streets. (Id., Sec. 3.)

Sec. 919. Disposition of Moneys Collected for Dogs—All moneys collected from licenses for dogs shall be paid to the City Assessor and Collector, or to the City Treasurer, as may be prescribed by ordinance. (Code 1904, Art. 813.)

Sec. 920. Animals Must Not Be Tied, Etc., so That They Can Get on the Sidewalk or Street—Any person who shall stake, tie or hobble any animal whatsoever on any lot of which he is not the owner, or on any lot or block within the limits above defined in such a manner as to allow such animals to go upon the adjacent sidewalk or street must, on conviction, be fined not less than One nor more than One Hundred Dollars. (Id., Art. 817.)

Sec. 921. Driving Animals Over Bridges Faster Than a Walk—Any person who drives, or causes to be driven, any drove of cattle, horses or mules, or any horse, mule or animal of like kind, over any of the public bridges in the city at any gait faster than a walk, must be fined not less than One nor more than One Hundred Dollars. (Id., Art. 808.)

Sec. 922. Duty of Driver in Case of Collision—If any accident or injury shall happen by reason of any collision of carriage with carriage, or carriage with horseman, or with other persons, it shall be the duty of the carriage drivers mutually to stop and render all needful assistance, and, upon being requested so to do, to give his name, place of abode, and the license number of his carriage, if licensed, to the person so requesting. (Id., Art. 945.)

Sec. 923. Intoxicated Drivers—It shall be unlawful for the driver of any carriage to drive through the streets of the

city while in a state of intoxication, and it shall be the duty of the Chief of Police and any policeman to arrest such driver immediately, and take him from his carriage, and take the carriage to the nearest livery stable. (Id., Art. 846.)

Sec. 924. Penalty—Every driver of any vehicle who shall violate any of the next two preceding sections shall, on conviction, be punished by a fine of not less than Five Dollars, and not more than Fifty Dollars for each and every offense. (Id., Art. 866.)

Sec. 925. Must Keep to Right—That all drivers, chauffeurs or others in charge of any wheeled vehicle, sledge, or rider, shall keep to the right hand side of center line on any and all streets of the City of Houston. (Id., Art. 869.)

Sec. 926. Bicycles Shall Have Lamps, Gongs, Etc.—Any person riding a bicycle at night is required to have a lighted lamp on his bicycle, and to have a gong or whistle, with which he shall be required to give an alarm to warn persons on the streets of his approach, and thereby prevent collisions. (Id., Art. 872.)

Sec. 927. Penalty for Violation—If any person shall fail to conform to the requirements of, or shall violate the provisions of, the preceding sections of this chapter for which other penalty is not provided, he shall be fined not less than Five nor more than Fifty Dollars. (Id., Art. 873.)

Sec. 928. Wantonly Causing Collision of Vehicles—Any person who wantonly, wilfully, maliciously or carelessly causes or suffers any railroad car, carriage, wagon, cart, dray, bicycle or other vehicle, or any animal, to come in collision with any vehicle, animal or person, must be fined not less than One nor more than One Hundred Dollars. (Id., Art. 634.)

Sec. 929. Use of Air Guns, "Nigger Shooter," Etc., Prohibited—That any person who shall shoot an air gun, "nigger shooter," or catapult, or such like device, or shall hurl or throw any missile by the use of any air gun or implement having rubber as motive power, in or across or near to any public square, street or alley within the limits of Houston, shall be fined any sum not exceeding One Hundred Dollars. (Code 1904, Art. 669.)

Sec. 930. Discharging Missiles—Any person who discharges gravel, marbles, shot or anything out of a gravel shooter, blow gun, rubber sling, or other device or implement of like

kind or character, in or across, or near to any public square, street or alley within the city limits, must be fined not less than One nor more than One Hundred Dollars. (Id., Art. 640.)

Sec. 931. Carelessly Using Lights in Stables or Barns—Any person who carries or makes use of any lighted candle or lamp in any stable or barn without having the same secured in a safe lantern, must be fined not less than One nor more than One Hundred Dollars. (Id., Art. 635.)

Sec. 932. Depositing Ashes in or on Wood—Any person who places or puts ashes in a wooden receptacle of any kind in a dwelling house, warehouse or other building, or upon any wooden floor, must be fined not less than One nor more than One Hundred Dollars. (Id., Art. 636.)

Sec. 933. Endangering Cotton or Other Inflammable Material—Any person who carries any burning coal, or brand, or lighted cigar, or pipe, into any warehouse or other building in which cotton or other inflammable material is stored, compressed or ginned, must be fined not less than One nor more than One Hundred Dollars. (Id., Art. 637.)

Sec. 934. Refusing or Neglecting to Remove Dangerous Structures—Any person who neglects or refuses for twenty-four hours to remove any chimney, wall or other part of any building or structure which has become or may be dangerous to passersby, to persons on the premises, or to adjoining property, after receiving due notice to do so from the Mayor, or other authorized city officer, must be fined not less than One nor more than One Hundred Dollars. (Id., Art. 641.)

Sec. 935. Leaving Wells, Cisterns, Etc., Open—Any person who permits, on premises owned or occupied by him, any well, cistern or other excavation to remain open or uncovered, to the danger of others, must be fined not less than One nor more than One Hundred Dollars. (Id., Art. 642.)

Sec. 936. Barbed Wire Fences Prohibited—That all persons are hereby prohibited from placing barbed wire fences around their property and premises within the corporate limits of the City of Houston. (Id., Art. 663.)

Sec. 937. Penalty—Any person violating any of the provisions of the preceding section shall, upon conviction, be fined in any sum not less than One Dollar nor more than One Hundred Dollars, and each day such fence shall remain shall be deemed a separate offense.

Sec. 938. Possessing Burglarious Instruments, Etc.—Any person who has in his possession any implement or instrument designed and intended by him to aid in the commission of a burglary or larceny, or for picking a lock, must be fined not less than One nor more than One Hundred Dollars. (Id., Art. 651.)

Sec. 939. Tramps—Any able-bodied person over sixteen years of age who is found begging or subsisting upon charity; or who enters, or who attempts to enter any dwelling house, or go upon the premises of another against the will of the owner, occupant or person in charge thereof, or having entered any house or gone upon such premises persists in remaining against the consent of the owner, occupant or person in charge thereof; or who takes possession of any school house, out-house or other building, either public or private, for the purpose of spending the night therein; or who shall kindle a fire in such building or on the land of any person, or on any street, public highway or common, shall be considered a tramp and must be fined not less than One nor more than One Hundred Dollars, and may also be required to give bond in such sum as the Mayor may require for good behavior, and to keep the peace for six months, and in default of such bond, with sureties, may be committed to jail. (Id., Art. 656.)

Sec. 940. Keeping Opium Resorts—It shall be unlawful for any person to keep a house, room or other place of resort within this city which persons may visit or frequent for the purpose of smoking opium, or indulging in the use of that drug in any form; and any person so offending must be fined in a sum of not less than Twenty-five nor more than One Hundred Dollars. (Id., Art. 670.)

Sec. 941. Renting Premises for Opium Resorts—Any person or persons who shall rent or hire any house, tenement or premises to be used as a resort for the smoking or other use of opium, shall, on conviction thereof, be fined in a sum of not less than Twenty-five nor more than One Hundred Dollars for each and every offense. (Id., Art. 671.)

Sec. 941a. Throwing of Patent Medicine in Yard—The throwing of medicine, patent or otherwise, into private yards or streets in the City of Houston, as an advertisement, or for other purposes, is hereby prohibited.

Sec. 941b. Penalty—Any one violating the above provisions shall, on conviction, be fined in any sum not less than Five nor more than One Hundred Dollars.

CHAPTER XXXII.**Public Schools.****Article 1.—Advisory Board to Trustees, Etc.****2.—General Provisions.****ARTICLE 1.****ADVISORY BOARD TO TRUSTEES OF THE SCHOOL BOARD.**

Sec. 942. Creation of Board; Powers and Duties—That there is hereby created an Advisory Board to the Trustees of the School Board of the City of Houston consisting of three women, who shall have the right to be present at all regular and special meetings of said board and to advise with, make suggestions to and be heard by said board upon all questions concerning the conduct, management, government and control of the public schools of said city and shall have the right, and it is made their duty, singly or as a board to visit any and all public schools of said city during school hours, or during recess, for the purpose of observing how the same are conducted, managed and controlled, and to advise themselves of the needs thereof and the improvements that should be inaugurated therein in order that it may perform the duties hereinbefore placed upon it and its members. (June 2, 1913; Ord. Bk. 3, p. 365, Sec. 1.)

Sec. 943. Qualifications; Contracts—That the members of said Advisory Board shall be over the age of twenty-one and residents of the City of Houston, and shall serve without compensation, and shall not be interested, directly or indirectly, in any contract, or claim, or demand of any character against the School Board of the City of Houston, and should any member of said Advisory Board become interested in any such contract, claim or demand, or should buy or sell any school warrants or obligations of said board, or should have any interest in any such claims or obligations they shall be subject to removal by the City Council. (Id., Sec. 2.)

Sec. 944. Appointment, Etc.—That at the first regular meeting of said Trustees of the School Board during the month of June and biennially thereafter at the first regular meeting of said board during the month of June, the Mayor of said

city shall nominate to said trustees the women to be members of said Advisory Board, who shall be confirmed by said trustees, and if not confirmed the Mayor shall nominate others until three are confirmed, who shall thereupon become members of said Advisory Board, and upon taking the oath of office required by law they shall hold their said office until their successors have duly qualified. (Id., Sec. 3.)

Sec. 945. Term of Office; Removal—That the members of said board, like all other appointive officers of the City of Houston, shall hold their office subject to be removed at any time by the Mayor. (Id., Sec. 4.)

ARTICLE 2.

GENERAL PROVISIONS.

Sec. 946. All Public School Houses and Buildings Under Control of City Authorities—All public schools and public school houses within the limits of the City of Houston are, and shall be, in charge of and under the exclusive control of the corporate authorities of the City of Houston. (Code 1904, Art. 940.)

Sec. 947. Duties and Powers of Board of Trustees—The School Trustees shall have charge of all school houses provided for the public schools of the city, together with all school furniture; they shall see that the same are properly cared for and kept in repair and insured for a reasonable amount, the cost of all of which shall be paid by the Treasurer, upon the order of the Trustees, approved by the Mayor, out of the city public school fund. The Trustees shall cause all teachers to keep such school houses as they use clean and in good order; they shall also provide all needful fuel for use of the schools, and provide for all proper contingent expenses. (Id., Art. 941.)

Sec. 948. Additional Powers and Duties—The Trustees are authorized to rent out the school houses for private school purposes, at such rates as they may deem proper, for the time they may not be occupied by the public schools, and the money received as rent for the same shall be paid by the Trustees to the City Treasurer, to form a part of the public school fund. It shall be the duty of the school trustees to provide the necessary furniture for all public school houses in the city. The Trustees shall, at least as often as once a month, visit the different public schools and inspect the management of the same. (Id., Art. 942.)

Sec. 949. Trustees Shall Employ Teachers by Written Contract—The Trustees shall employ as teachers only persons of good moral character and habits, and who hold a certificate of competency issued by the Board of Examiners, to teach in the public schools of the city. (Id., Art. 943.)

Sec. 950. Certificate of Character—Any person desiring to teach in the public schools of the city shall present a certificate, satisfactory to the Mayor, that he or she is a person of good moral character and of correct and exemplary habits. The Mayor shall thereupon, unless satisfied that some good cause exists for rejecting such certificate, certify such person to the Board of Examiners for examination of the applicant in the branches of study prescribed by the laws of the State of Texas relating to public schools. (Id., Art. 944.)

Sec. 951. Certificate of Competency—On report of the Board of Examiners that the applicant is competent to teach the branches named in the preceding section, said board shall issue a certificate of competency to the teacher, authorizing him or her to teach in the schools contemplated by this chapter. A teacher's certificate may be canceled on account of any misconduct or immorality, which the Board of Trustees shall report to the Mayor as disqualifying the teacher, in their opinion, for the instruction of children. (Id., Art. 945.)

Sec. 952. Teachers' Record—It shall be the duty of teachers to keep an accurate record of the daily attendance of each pupil, and all other statistics required by the Board of Education of the State necessary to make a complete report at the end of the term, or whenever called for, which report shall be made and filed with the Superintendent of Schools. (Id., Art. 946.)

Sec. 953. Scholastic Days—That the public schools of the city shall be taught for five days in each week, and shall be closed on every Saturday and Sunday, and on such holidays as may be agreed upon by the Board of Trustees. (Id., Art. 947.)

Sec. 954. Scholastic Year—The scholastic year for the public schools of the city shall be the same as defined in the State law for the public schools of the State, and the public schools of the city shall open at such time as the Board of Trustees may determine, and continue for nine scholastic months, exclusive of Christmas vacation. (Id., Art. 948.)

Sec. 955. Scholastic Age, Etc.—All children between the ages of eight and eighteen years, living in the city, shall be

entitled to the benefit of the available public school fund of the city under this chapter, without regard to race or color. No child shall be admitted in the public schools of the city who does not reside in the city, and white and colored children shall in all cases be taught in separate schools. (Id., Art. 949.)

Sec. 956. Pupils Over and Under Age—Pupils who are over or under the scholastic age may be taught in the public schools of the city upon the payment of a tuition fee. The Trustees of the public schools shall fix the rate of tuition to be charged, not to exceed four dollars per month, and they are authorized to make such necessary regulations in regard to the collection of the same as may seem to them to be right and proper, and they are required to pay over the same, when collected, to the City Treasurer, to form part of the public school fund. (Id., Art. 950.)

Sec. 957. Branches of Study—The branches of study to be pursued in the public schools shall be such as may be directed by the Trustees and Superintendent. (Id., Art. 951.)

Sec. 958. Superintendent of Public Schools—The Mayor shall, at the first regular meeting of the City Council in June of every second year, or as soon thereafter as practicable, appoint, subject to confirmation by the City Council, a Superintendent of the Public Schools of the city, who shall hold his office for the term of two years from said first Council meeting in June, and until his successor shall have been appointed and qualified. (Id., Art. 952.)

Sec. 959. Salary of Superintendent—Said Superintendent shall receive an annual salary not to exceed \$4000 per annum, payable in monthly installments, out of the city public school fund by the City Treasurer. (Art. 953.)

Sec. 960. Duty of Superintendent—Said Superintendent shall, under the direction of the Board of Public School Trustees, arrange and supervise all the details for the management of the public schools; shall attend to the instruction of teachers in said schools; shall, subject to the approval of the Board of Trustees, determine the text books to be used in all the public schools, and shall perform such other duties as may from time to time be prescribed by the said Board of Trustees or by the City Council. (Id., Art. 954.)

Sec. 961. School Fund—All money which may come into the city treasury from the State school fund for school purposes, and all which may be available from any source for

such purpose, shall be and the same is hereby specially set apart as a separate fund for the use and benefit of the public schools of this city, to be used for the support of said schools herein provided for, and under the regulations and conditions prescribed in this chapter, or which may be prescribed by the City Council. (Id., Art. 955.)

Sec. 962. Donations Form Part of School Fund—Any money which may be donated by the Trustees of the Peabody Fund, for the benefit of the public schools of the City of Houston, shall form a part of the public school fund, or the same may be used for the benefit of said schools in such manner as may be indicated by the donors. (Id., Art. 956.)

Sec. 963. Payment of Salaries—The amount contracted to be paid by the Trustees to a teacher shall be paid monthly by the City Treasurer, on pay roll approved by the Mayor and Superintendent. (Id., Art. 957.)

Sec. 964. Bond of Treasurer for School Fund—The public school fund for the public schools of the city shall be placed with the City Treasurer, to be in his keeping, and the Treasurer shall, before receiving into his possession any of said funds, execute to the City of Houston a separate bond in the sum of Twenty Thousand Dollars, with two or more good and sufficient securities, to be approved by the City Council, conditioned that he will safely keep, and well and truly account for, all moneys which shall be placed with him belonging to the public school fund of the city, and will only disburse the same as provided for in this chapter, or as may be directed by the City Council. (Id., Art. 958.)

Sec. 965. Janitors, Etc., Vested With Power of Police Officers, When and Where—That each and every person now or hereafter employed by the City of Houston and occupying the position of janitor in and at the various school buildings in the City of Houston be, and the same are, and their successors shall be, vested with the full power of police officers while on the premises of such school. (Dec. 17, 1913; Ord. Bk. 3, p. 578, Sec. 1.)

Sec. 966. Powers—That such janitors shall have all the powers and authority of regular police officers of the City of Houston while on the premises of such schools, with full power to prevent, suppress and arrest all offenders against the ordinances of the City of Houston in or at such schools, or upon

the premises attached thereto, and to pursue and arrest the offenders. (Id., Sec. 2.)

Sec. 967. No Additional Salary—That such janitors shall receive no additional salary from the City of Houston for performing the duties hereby imposed upon them, but said duties shall be cumulative of and in addition to the duties now imposed upon them as janitors in and at said schools. (Id., Sec. 3.)

Sec. 968. No Bond Required—The bond required of regular police officers shall not be required of said janitors, but they and their successors shall, by virtue of their appointment as janitor and of the next three preceding sections, be vested with the powers herein granted while on the premises of said schools. (Id., Sec. 4.)

CHAPTER XXXIII.**Public Utilities.****Article 1.—Public Service Commissioner.****2.—Gas.****3.—Electric Light and Power.****4.—Telephones.****ARTICLE 1.****PUBLIC SERVICE COMMISSIONER.**

Sec. 969. Creation of Office, Etc.—That there is hereby created the office of Public Service Commissioner of the City of Houston. Such officer shall be appointed by the Mayor and confirmed by the City Council, and shall hold his office for no fixed term, but shall always be subject to removal by the Mayor, or may be removed by the City Council. He shall be paid such salary as shall be agreed on by the Mayor and Council, and his salary and all expenses of his office shall be paid out of the annual franchise charges paid into the treasury of the City of Houston by the Public Service Corporations of the City of Houston. Said Public Service Commissioner shall possess such powers and duties as are hereinafter given. (May 15, 1911; Ord. Bk. 3, p. 32, Sec. 1.)

Sec. 970. Powers and Duties—The Public Service Commissioner shall have general supervisory authority over the public service corporations operating under municipal authority, and over the performance of their duties to the city and the public; and he shall particularly possess the powers and perform the duties herein defined.

First: It shall be his duty particularly to have in record form in his office, so that the information may be readily available on short notice, copies of all franchises and ordinances under which each public utility is being operated; also a statement and plans and maps showing the plant and system in detail of each of the public utility companies operating in Houston, showing the extent thereof, with the date of erection, and dimensions of each part thereof; and he shall also make and keep an estimate of the probable cost of replacing the system and each part thereof; and shall keep a record of the betterments, extensions and additions made to the public utility sys-

tem each year with the estimated cost of replacement. Where the information desired by the Commissioner is not available from the annual reports filed by the public utility corporations, he shall apply to the manager, superintendent or other person in charge of such public utility company in Houston, for such information, and if not furnished within a reasonable time, it shall be a separate offense for each day thereafter the information is not furnished, both in the corporation and in the manager, superintendent or other person in charge of said public utility company, and on conviction therefor in the Corporation Court, both such corporation and such person shall be fined in any sum not less than Fifty Dollars (\$50.00) and not more than Two Hundred Dollars (\$200.00) for each day of such delay. A delay of more than two (2) months in furnishing such requested information shall, in every case, be held to be an unreasonable delay, but liability shall exist for a lesser delay if same is unreasonable.

In the event that such information is requested of any corporation, at any time, by said Public Service Commissioner, as in the opinion of the corporation is unreasonable, owing to the cost or inability of the corporation to furnish same, then the corporation shall, upon its filing a written protest upon said Commissioner within ten (10) days after the information is so requested have the privilege in the event the said Commissioner further insists upon receiving the information, of applying to, and being given a hearing by, the City Council for a decision as to whether or not the information so requested by the said Commissioner shall be supplied; and the time specified in this paragraph within which the information shall be furnished shall date from day of the decision by the City Council, if their decision be the information shall be furnished.

Second: It shall be the special business of the Public Service Commissioner to know, and to have copies available of every law affecting the performance of the duties of the public utility companies; of all ordinances affecting said companies or the performance of their duties; of the provisions contained in the franchises of each of the public utility companies specially affecting the performance of their duties; and he shall know and have a copy of the Rules and Regulations of each of the public utility companies; and shall know their modes of doing business, and shall keep a written statement of their modes of doing business; and particularly with respect to the installation of the public utilities in private residences and in places of business, and the terms on which this is done; the extension of the public utility service beyond its present radius,

and the terms on which this is done; the collection of amounts due the public utility company, and the manner in which this is done; the making of repairs or correction of defects in the service, and the manner and terms on which this is done; the placing of poles in the street by the public utility companies; the manner in which the furnishing of transfers on street cars is done, the furnishing of half fares on street cars to children or other persons entitled thereto; the furnishing of seats to passengers by street car companies, and of sufficient cars to adequately transport the public offering to ride; the maintenance of a proper schedule; the manner of using the streets and of placing new tracks therein by street car companies; and said Commissioner shall see that steam or other railroads enjoying franchises in any of the streets of the City of Houston, to which certain duties are attached, are adequately performing those duties, and generally he shall acquaint himself with all matters affecting the performance of public services by each of said companies; and all of this information, as to each of the public utility companies, shall be classified and arranged so as to be available at any time.

Third: It is made the particular duty of the Public Service Commissioner to see to it that all laws and ordinances for the promotion of good service are enforced.

Fourth: Said Public Service Commissioner shall keep a list of every public service corporation, and of every person subject to pay any annual dues to the city on account of franchises, and shall see to it that such dues and all taxes, etc., are paid each year into the treasury of the city, and that all services or benefits agreed to be furnished the city by any person or corporation enjoying a public franchise, are furnished; and that no person or corporation enjoying a franchise is setting up any claim of title or ownership to any property of the City of Houston.

Fifth: The Public Service Commissioner shall make an annual report to the Mayor and Council on the first day of March of each year of the operation of his department for the preceding year, and may make suggestions as to any particulars in which the services rendered might be improved, and may suggest needed rules and regulations tending to the betterment of the service and elimination of controversies between the public service companies and their customers.

Sixth: It is particularly made the duty of the Public Service Commissioner to entertain and investigate all complaints relating to, or in any manner affecting service, made by citi-

zens against any of the public service corporations operating in the City of Houston, and where investigation shows such complaints are well grounded, the Commissioner shall take the matter up with the management of the public service corporations and obtain a just and satisfactory adjustment of the matter; but no citizen shall apply to the Commissioner until he has first applied in writing to the executive managing officer of the public utility company, stating the nature and cause of his complaint, and failed for a reasonable time to obtain redress; nor shall the Commissioner investigate or act on any complaint unless the citizen has first applied in writing to the executive managing officer of the public utility company for redress, as herein provided, and has failed to secure the same, nor shall the Commissioner entertain any complaint unless the same is in writing, stating the nature thereof, and giving the full name and address of the complainant. (Id., Sec. 2.)

Sec. 971. Upon Refusal of Service, Application May Be Made to Commissioner—In every case where a person living beyond the radius of any of the public service systems, as established, in the City of Houston, desires to obtain the benefits of connection with the public service system, and is unable on application to the executive or managing officer of the public service corporation to obtain such service on such terms as are reasonable and just, he can make application to the Public Service Commissioner, who shall in such case investigate carefully into the matter and take same up with the public service corporation with a view of obtaining such service on such terms as are reasonable and just to all parties concerned. (Id., Sec. 7.)

Sec. 972. Commissioner to Keep Record Meters Tested—The Commissioner of Public Utilities shall keep a record of each meter tested and of the results of same, and shall embody same in his report to the Mayor and Council.

All tests required by this chapter to be made by the City Electrician or Plumbing Inspector shall be made before the work is covered up and concealed. (Id., Sec. 8.)

Sec. 973. Officers of Corporations Also Affected—In every case, where in this chapter a duty is imposed upon a public service corporation, said duty is also imposed on the manager, superintendent, or person in charge of same, in the City of Houston, and in every case where any act is prohibited to a public service corporation, said act is also prohibited to the manager, superintendent, or other person in charge of said

corporation in the City of Houston, and failure to comply with any of the requirements of this chapter constitutes an offense, not only in the corporation itself, but also in the manager, superintendent, or other person in charge locally of the business of said corporation, and upon conviction for violating any of the requirements of this chapter where a different penalty is not herein named, the corporation or person convicted, or both, as the case may be, shall be fined in any sum not less than Five Dollars (\$5.00), nor more than Two Hundred Dollars (\$200.00) for each offense. Where an offense continues through a number of days it shall be a separate offense for each day of the continuance thereof. (Id., Sec. 6.)

ARTICLE 2.

GAS.

Sec. 974. Regulations for Government and Operation of Corporations Furnishing Gas—The following regulations are established for the government and operation of corporations possessing a franchise from the City of Houston, and furnishing gas for heating or lighting to the citizens thereof:

1. Every such corporation shall have the right on installing the appliances of such company in a residence or place of business to require the payment to the company of a reasonable deposit, to secure the payment of gas to be consumed through the meter, such deposit to bear interest at the legal rate, so long as retained by the gas company.

2. The service to a customer shall not, in any case, be cut or discontinued for non-payment of a bill for gas furnished, unless such bill is for services already rendered, and unless five (5) days' written notice has been given the customer by mailing to his postoffice address a notice that the service will be cut or discontinued if the bill be not paid by the expiration of the five days, such notice to be mailed at least five (5) days before the service is cut.

3. Where a customer living within the radius of the gas system, as established, and within 150 feet of any gas main measured along the line to be followed in the street, desires connection with the service, such connection must be made within a reasonable time after written demand or request therefor on the manager, superintendent, or other person in charge of the business in Houston, and it shall be a separate offense, both in the corporation and in the manager, superintendent, or other person in charge locally of such corporation,

for each day, beyond a reasonable time, that such connection is not made. Ordinarily where no extension of mains are required, a reasonable time for making gas connections shall be from three (3) days to one week.

By within the radius of the gas system, as established, it is meant to include any point to the left or right of one of its lines, and any point in the extension of said line not more than 150 feet beyond the present terminus thereof.

4. Repairs and correction of defects in service must be made within a reasonable time after written notice to the manager, superintendent, or other person locally in charge of the gas company in Houston; and it shall be a separate offense, both in the corporation and in the superintendent, manager, or other person in charge of the gas company in Houston, for each day, beyond a reasonable time, that such delay exists. Ordinarily a reasonable time for repairs or correction of defects in service shall be from one to two days.

5. Should any customer of the gas company desire to have his gas meter tested he shall make application, in writing, to the Public Service Commissioner for a test of his meter, accompanying such application with the sum of One Dollar and Fifty Cents (\$1.50). If the meter shows more than a 2% variation as shown by a standard meter prover, and this variation is against the customer the customer's bill shall be rebated accordingly from his last payment to date of test, and the One Dollar and Fifty Cents (\$1.50) deposit shall be returned to the customer. If the meter shows less than a 2% variation against the customer by the standard meter prover, the One Dollar and Fifty Cents (\$1.50) shall be retained by the Public Service Commissioner to reimburse the city for its expenses in the premises. Upon said application being filed, an inspector shall be despatched to the residence or place of business of the complainant; the meter shall then be detached in his presence by some person designated by the gas company for that purpose, and the inspector and such person shall take the meter at once to the testing room of the gas company, where the meter shall be tested by a standard meter prover of the best and most accurate make, approved by the Public Service Commissioner and the City Plumbing Inspector. The customer shall have the right to have any competent person to be present and participate in making the test on his behalf; and if he desires, he can designate the City Plumbing Inspector to be present and act on his behalf in the making of the test, who, in such event, shall act without cost or charge to the customer,

and shall see that the test is accurately made, and is in all respects correct. If the meter proves defective more than 2% it shall be removed and be replaced by another meter, tested and shown to be accurate at the time the test is made of the defective meter.

If the meter test shows the meter not to vary from a correct registration more than 2%, and if the customer is still dissatisfied with the registration of gas by the meter, he can, by depositing a fee of One Dollar and Fifty Cents (\$1.50) with the Public Service Commissioner, obtain a test to be made by the City Plumbing Inspector to determine whether or not the gas pipes leak on the house side of the meter. Such test shall be made by a standard Gas Fitters' Proving Pump, of approved manufacture and design, same to be approved by the Public Service Commissioner; and, if said pipes appear on said test to leak, it shall be unlawful for the gas company, and the manager, superintendent, or other person in charge of said business in Houston, to turn, or permit to be turned, the gas into said premises or pipes until the said pipes have been made sound and the gas company has the certificate of the City Plumbing Inspector that the pipes are sufficient and sound and that the gas can be turned on. The gas testing device shall be furnished by the gas company, and at its expense, but same must meet with the approval of both the Public Service Commissioner and the City Plumbing Inspector.

6. Should it appear at the time the meter test is made, or test of pipes is made, or at any other time that the gas pipes in a building are leaky or so defective otherwise as to be dangerous, the Inspector of Plumbing shall notify, in writing, the manager, superintendent, or other person in charge of the gas company to cut the gas off from said pipes and not to turn same on until said pipes are repaired and the gas company has the certificate of the City Plumbing Inspector that the pipes are sufficient, and that the gas should be turned on. It shall be an offense, both in the gas company and in the manager, superintendent, or other person locally in charge thereof to fail to cut off said gas on the order of the Plumbing Inspector, or to turn same on again without his certificate, and it shall be a separate offense for each day that the gas is so unlawfully permitted to be on.

7. Hereafter when gas pipes are installed in a house, it shall be unlawful for the gas company, and for the manager, superintendent, or other person in charge of the gas company's business in Houston, to turn the gas into the said pipes

until said pipes have been inspected by the City Plumbing Inspector and the gas company has the certificate of that officer that the piping is sufficient, and that the gas can be turned on, and it shall be a separate offense, both in the gas company and in the superintendent, manager, or other person, for each day that the gas is permitted to be turned into said pipes without having said certificate; provided, that if an original installation, or if an extension or alteration of any existing gas piping in a building is less than twenty-five (25) feet in length, and is entirely exposed, it shall not be necessary to obtain an inspection by or a certificate from the Plumbing Inspector before turning on the gas; provided, that in every case of installation or repair of gas pipes in a building the gas company, at the time of installation or repair, and before furnishing gas through the repaired or installed pipes, shall give to the Plumbing Inspector a notice in writing, stating the installation or repair made, the extent of same; whether covered or uncovered; the date made; the name of the property owner, and description of the property; and it shall be an offense to fail to give said notice, in any case, where the facts are known to the gas company or its employees.

For such inspection a fee of One Dollar (\$1.00) shall be paid by the owner of the property; and same shall be made before the pipes are covered up by cement masonry, planking or otherwise covered. In making such inspection the Plumbing Inspector shall require that all gas pipes be laid to grade so that condensation will drain from the system to the gas meter, or drips, or pockets, or other place provided, where said condensation can be removed. If there are over ten openings ten cents additional inspection fee shall be paid for each opening.

Secondly: The City Plumbing Inspector shall test the pipes thoroughly with a gas fitters' proving pump, and ascertain that they contain no leaks, and he shall see that neither in the installation of gas pipes, nor in the repair of same, is any gas fitter's cement, coal tar, putty or other substance used in covering up defects in pipes or fittings, but in every case defective pipe and fittings shall be taken out and replaced by sound pipe and fittings, and said inspector shall see that all pipes installed are of ample size for the service required.

8. The Public Service Commissioner shall, from time to time, test the gas furnished to ascertain if the gas being furnished is up to the standard required by the franchises of the gas company; and the gas company shall immediately furnish every facility and aid for making these tests whenever required. (May 15, 1911; Ord. Bk. 3, p. 32, Sec. 3.)

Sec. 975. Rate Per Thousand Cubic Feet—That any person, firm, corporation or receiver engaged in the business of selling or furnishing gas to private consumers within the City of Houston, Harris County, Texas, shall not charge therefor exceeding the rate of \$1.10 per thousand cubic feet for all gas so sold or furnished; provided, however, that any and all persons, firms and corporations who shall pay their gas bills on or before the 10th day of the month immediately following the month in which the gas is used, shall not be charged or required to pay exceeding \$1.00 per thousand cubic feet for gas so furnished and used. (July 1, 1908; Ord. Bk. 2, p. 283, Sec. 1 Franchise Ordinance July 25, 1910; Cl. 5, Par. 3, Ord. Bk. 2, p. 578.)

Sec. 976. No General Charge for Meters—That no general charge shall be made to consumers for the use of meters, but when the gas consumed through any one meter does not equal fifty cents in value for any one month, such meters may be taken out by the person, firm, corporation or receiver engaged in the business of selling or furnishing gas, unless the consumer pays not less than fifty cents per month for the gas consumed and the service of the company in holding itself in readiness to supply gas. (Id., Sec. 2.)

Sec. 977. Consent of Gas Company Required for Individual to Put in Mains—It shall be the duty of the gas company to put in all service pipe between the gas mains and meters, according to terms of their franchise, and no individuals or firm shall be permitted to put in any service pipe between mains and meters without first obtaining the consent in writing from the gas company so to do. (Code 1904, Art. 968.)

Sec. 978. Gas Companies Shall Furnish First-Class, High-Grade Illuminating Gas—Each and every person, firm, corporation or receiver engaged in the business of selling or furnishing gas to private consumers within the City of Houston, Harris County, Texas, shall furnish a good, first-class, high-grade illuminating gas, of a quality to give out not less than eighteen candle power light. (Code 1904, Art. 971.)

Sec. 979. Penalty—That any person, firm, corporation or receiver, or any agent, officer or superintendent of same, who shall knowingly violate the provisions of the four next preceding sections shall, upon conviction in the Corporation Court, be fined not less than Twenty-five Dollars and not more than One Hundred Dollars. (Id., Sec. 3, and Code 1904, Art. 972.)

Sec. 980. Meddling With Gas Works Property—If any person or persons shall wrongfully or maliciously turn on or off the gas in any gas pipe leading to the private meters of any house or building, or shall destroy or in any way injure any part of the gas works, he must be fined for every such offense not less than Ten nor more than One Hundred Dollars. (Code 1904, Art. 965.)

Sec. 981. Injuring Gas Works Property—Any person who unlawfully, wilfully or maliciously injures, defaces or destroys any machinery, lamp, meter, pipe or other fixture belonging to or connected with the works of the Houston Gas Light Company, must be fined not less than One Dollar (\$1.00) nor more than One Hundred Dollars (\$100.00). (Id., Art. 966.)

Sec. 982. Interfering With Gas Meters—That any person or person interfering in any manner with the meters or gas supply of any gas light company in the City of Houston, or any person having custody of the gas company's meters or gas supply permitting it to be done without the consent in writing from the gas company, shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than Ten Dollars (\$10.00) for each and every offense. (Id., Art. 967.)

ARTICLE 3.

ELECTRIC LIGHT AND POWER.

Sec. 983. Regulations for Government and Operation—The following regulations are established for the government and operation of corporations possessing a franchise from the City of Houston to furnish electric light and power, and furnishing electricity for light and power to the citizens thereof:

1. Every such company shall have the right on installing appliances of such company in a residence or place of business to require the payment to the company of a reasonable deposit, such deposit to bear interest at the legal rate, so long as retained by the electric company.

2. Service to the customer shall not, in any case, be cut or discontinued for non-payment of a bill, unless such bill is for services already rendered, and unless five (5) days' written notice has been given the customer, by mailing to his postoffice address a notice that the service will be cut or discontinued if the bill be not paid by the expiration of five (5) days. Such notice to be mailed at least five (5) days before the service is cut.

3. Where any customer living within a radius of the electric light and power system, as established, and within 300 feet of any line, desires connection with the service, such connection must be made within a reasonable time after written demand or request therefor on the manager, superintendent, or other person in charge of the electrical business in Houston, and it shall be a separate offense, both in the corporation and in the manager, superintendent, or other person in charge locally of such corporation, for each day beyond a reasonable time that such connection is not made. Ordinarily a delay of over six (6) days in installing connections will be considered unreasonable.

By within the radius of the electric light and power system, it is meant to include any point to the left or right of one of its lines, and any point in the extension of said line not more than 300 feet beyond the present terminus thereof.

4. Repairs and corrections of defects in service must be made within a reasonable time after written notice to the manager, superintendent, or other person locally in charge of the light and power company in Houston, and it shall be a separate offense both in the corporation and in the superintendent, manager, or other person in charge of the light and power company in Houston, for each day beyond a reasonable time that such delay exists. Ordinarily a reasonable time for repairs or correction of defects in service shall be from one to two days.

• In case, however, of inability to locate the trouble, or if for other cause two days is insufficient for the correction of the trouble, the company shall have a reasonable time in which to correct same, though in excess of two days; but in such case the burden shall be on the defendant to allege and prove the facts which make the two days insufficient.

5. Should any customer of the light and power company desire to have his electric light meter tested, he shall make application in writing to the Public Service Commissioner for a test of his meter, accompanying such application with the sum of One Dollar and Fifty Cents (\$1.50); and if the meter shows more than a 3 per cent. variation from the standard testing meter, and this variation is against the customer, the customer's bill shall be rebated accordingly from his last payment to date of test, and the One Dollar and Fifty Cents (\$1.50) deposit shall be returned to the customer. If the meter shows less than 3 per cent. variation against the customer from the standard testing meter the One Dollar and

Fifty Cents (\$1.50) shall be retained by the Public Service Commissioner to reimburse the city for its expenses in the premises. Upon said application being filed the same shall be brought to the attention of the manager of the electrical company, and said company shall send to the residence or place of business of complainant a competent person with a standard portable meter tester, and such person shall be accompanied by an inspector of the City of Houston, and at the complainant's residence or place of business the meter complained of shall be tested. The customer shall have the right to have any competent person to be present and participate in making the test on his behalf; and if he desires he can designate the City Electrician to be present and act on his behalf in the making of the test, who, in such event, shall act without cost or charge to the consumer, unless the deposit be retained as herein provided, and shall see that the test is accurately made, and is, in all respects, correct. If the meter complained of proves in such case defective more than 3 per cent., it shall be removed and replaced by another meter, tested and shown to be accurate at the time the test is made of the defective meter. The portable meter testers must be of the most approved and standard make, and must be approved both by the Public Service Commissioner and the City Electrician, and must themselves be tested by a standard stationary meter tester of the most approved make and character, which must be approved by the Public Service Commissioner and by the City Electrician. All meter testers, whether stationary or portable, must be furnished by the light and power company, at its own expense, but none can be used in the making of tests unless approved by the City Electrician and by the Public Service Commissioner.

6. Should any customer of the light and power company desire a test to determine the voltage, he shall make application to the Public Service Commissioner for such test, and deposit a fee of One Dollar (\$1.00) therefor; such test shall be made at the residence or place of business of the customer, at the main switch in the house by a volt meter, and by the City Electrician. Upon application being made to the Commissioner for such test, he shall notify the manager of the light and power company of the time and place when such test will be made, and the public utility company shall have the right to have a representative present when such test is being made. In case such test shows insufficient or inadequate voltage, the Public Service Commissioner shall take up the matter with the manager of the light and power com-

pany, and secure correction of the defect by increasing of feed wire or transformer capacity, or otherwise, as may be necessary; and if correction be not made within a reasonable time, it shall be an offense, both in the corporation operating under the franchise and in the manager, superintendent, or other person in charge of said corporation in the City of Houston, for each day that said deficiency is permitted to exist after the expiration of a reasonable time for same to be corrected.

7. If when any test is being made, or if at any other time the wiring system in any building is found to be defective and dangerous, the current shall be cut off by the light and power company, if so demanded in writing by the City Electrician, and shall not again be turned on until the defects are corrected, and the wiring made safe and in accordance with the National Electric Code, and until the light and power company has the certificate of the City Electrician to that effect. Should the electrical company fail to cut off such power when so notified, or should said company again turn the current on said wires without obtaining the certificate of the City Electrician, it shall be a separate offense, both in the corporation and in the manager or other person in charge of such corporation in the City of Houston for each day that the electric current is permitted to remain on the wires in said building contrary to this clause of the ordinance. (May 15, 1911, Ord. Bk. 3, p. 32, Sec. 4.)

Sec. 984. Rates for Electric Lights—All persons, firms, corporations or receivers engaged in the business of furnishing and supplying electric lights and electric power to private consumers within the corporate limits of the City of Houston, Harris County, Texas, are required to furnish and supply same for not exceeding the charges hereinafter stated, to-wit:

Commercial Rates.

Lighting and alternating current fans on same meter.

(1) **Single Rate.** Twelve cents per kilo-watt hour, with a minimum monthly charge for service of One Dollar.

That all charges under this rate, if not paid on or before the 10th day of the month following that for which the bill is rendered, shall be subject to the following discounts, to-wit:

Bills over \$1.00 and up to \$4.99, five per cent. discount.

Bills over \$5.00 and up to \$24.99, ten per cent. discount.

Bills over \$25.00 and up to \$49.99, fifteen per cent. discount.

Bills over \$50.00 and up to \$74.99, twenty per cent. discount.

Bills over \$75.00 and up to \$99.99, twenty-five per cent. discount.

Bills over \$100.00, thirty per cent. discount.

(2) Two Rate:

(a) Business Rate: Thirteen cents (13c) per kilo-watt hour for the first two (2) kilo-watt hours consumed per month per sixteen candle power incandescent lamp wired (or its equivalent), and seven cents (7c) per kilo-watt hour for all energy consumed in excess of that amount.

(b) Residence Rate: Thirteen cents (13c) per kilo-watt hour for the first two-thirds (2-3) of a kilo-watt hour consumed per month per sixteen candle power incandescent lamp wired (or its equivalent), and seven cents (7c) per kilo-watt hour for all energy consumed in excess of that amount.

The minimum charge for service under the two rate system shall be One Dollar (\$1.00), and all bills paid under said system on or before the 10th day of the month following that for which bill is rendered shall be subject to a discount of five per cent.

Power Rates.

(1) For a monthly consumption of one thousand (1000) kilo-watt hours or less, six cents (6c) per kilo-watt hour.

(2) For a monthly consumption of over one thousand (1000) kilo-watt hours, five cents (5c) per kilo-watt hour.

Bills for service under this rate, if paid on or before the 10th day of the month following that for which bill is rendered, shall be subject to a discount of five (5) per cent.

Rates for Direct Current Ceiling Fans.

No. of Fans	Day Rate.	Day and Night Rate.
1	\$ 4.00	\$ 5.00
2	7.25	9.00
3	10.00	12.50
4	12.50	15.00
5	14.50	17.50
6	16.00	19.50
7	17.50	21.00
8	19.00	22.50
10	22.00	25.50
12	25.00	28.00
14	28.00	31.00
16	31.00	34.00
18	34.00	37.00
20	37.00	40.00
22	40.00	43.00
24	43.00	46.00
26	46.00	49.00
28	49.00	52.00
30	52.00	55.00

That the above charges shall be made for calendar months, except for the months from November 1st to March 31, inclusive, when one-half (1-2) of the above rates shall be collected for each calendar month. (Code 1904, Art. 995.)

Sec. 985. Penalty—That any persons, firm, corporation, or receiver, or the manager or superintendent of same, who shall knowingly violate any of the provisions of Section 984 by charging more for the services hereinbefore enumerated, as therein established and fixed, shall, upon conviction, be fined not less than Twenty-five Dollars (\$25.00) and not more than One Hundred Dollars (\$100.00). (Code 1904, Art. 996.)

Sec. 987. Unlawful to Tamper With or Use Apparatus—It shall be unlawful for any person or persons to tamper with, molest or in any manner use the poles, wires, cross arms, lamps, hoods, switches, cut-offs, connections, or any part of the lines or apparatus belonging to the Houston Lighting and Power Company within the corporate limits of the City of Houston, and no person or persons shall have the right to place upon the poles belonging to this company any handbills, notices, cards, advertising bills, placards, or any written, printed or painted matter, either by posting, tacking, suspending or any other mode of fastening. (Id., Art. 993.)

Sec. 988. Penalty—Any person or persons found guilty of tampering with the poles, wires, lamps or other apparatus of the Houston Lighting and Power Company, as set forth hereinbefore, must be fined not less than Five Dollars (\$5.00) nor more than Twenty Dollars (\$20.00) for each and every offense. (Id., Art. 994.)

ARTICLE 4.

TELEPHONES.

Sec. 989. Regulations for Government and Operation—The following regulations are established for the government and operation of corporations possessing a franchise from the City of Houston, and furnishing telephone communication to the citizens thereof:

1. Every such company shall have the right on installing the telephone of such company in residences or business places to require the subscriber to pay to said company two months rental in advance as a guaranty that the said subscriber will use said phone service installed for him for a period of two months; provided, that where the telephones of such company

have been once installed in or upon the premises no charge shall be made to any new subscriber using the same telephones for more than one month and the unexpired fractional part of the current calendar month, unless since the last use thereof there has been a complete removal of the telephones of the telephone company and a disconnection of service to said premises; and provided further, that any subscriber who is not in arrears may transfer his contract and such transferee shall succeed to all the rights of the original subscriber under such contract.

Every such company shall upon demand return any deposit, heretofore received by it to each subscriber who has made the same, together with the lawful interest thereon; provided, and when such subscriber shall have paid the telephone company since the installation of service for his use two months rental thereon. (Amendment of July 7, 1913, Ord. Bk. 3, p. 394.)

2. The service to the customer shall not, in any case, be cut or discontinued for non-payment of a bill, unless such bill is for services already rendered, and unless five (5) days' written notice has been given the customer by mailing to his postoffice address a notice that the service will be cut or discontinued if the bill be not paid by the expiration of the five (5) days; such notice to be mailed at least five (5) days before the service is cut.

The above rule shall not have application to amounts due or to become due for long distance service.

3. Where a customer living within the radius of the telephone system, as established, and within 300 feet of a telephone line, desires connection with the service, such connection must be made within a reasonable time after written demand or request therefor, on the manager, superintendent, or other person in charge of the business in Houston; and it shall be a separate offense, both in the corporation and in the manager, superintendent, or other person in charge locally of such corporation, for each day beyond a reasonable time for such, connection is not made. Ordinarily a reasonable time for installing telephone connections shall be from five (5) to seven (7) days.

By within the radius of a telephone system, as established, it is meant to include any point to the left or right of one of its lines, and any point in the extension of said line not more than 300 feet beyond the present terminus thereof.

In the event the number of installations required shall render necessary the installation of new cable conductors of considerable length, and the telephone company has not the cable available, the penalties of this section may be suspended as to the particular installations for a reasonable time, to be fixed by the Public Service Commissioner, for the company to procure the cable; and the burden shall be on the telephone company to allege and prove that such extension of time was granted in writing by the Public Service Commissioner.

4. Repairs of defects in telephone appliances must be made within a reasonable time after written notice to the manager, superintendent, or other person locally in charge of the telephone company in Houston; and it shall be a separate offense, both in the corporation and in the superintendent, manager, or other person in charge of the telephone company in Houston, for each day beyond a reasonable time that such delay exists. Ordinarily a reasonable time in which to repair defects in telephone appliances shall be twenty-four (24) hours from the receipt of the written notice.

Where there are an unusual number of defects due to storms, strikes, or causes beyond the control of the telephone company, the company shall have a reasonable time to repair the defects, though this time may exceed twenty-four (24) hours; but the burden shall be on the telephone company to allege and prove the facts which authorize the company to use more than twenty-four (24) hours to repair the defects. (May 15, 1911, Ord. Bk. 3, p. 32, Sec. 5.)

Sec. 990. Rates of Charges—Any person, firm, corporation or receiver operating or owning telephone lines and exchanges within the City of Houston, Harris County, Texas, engaged in the business of furnishing telephone connection and service to the citizens of said City of Houston, shall charge not exceeding the following rates, to-wit:

Rate One: Telephone lines and exchanges having three thousand (3000) or less paying subscribers within the limits of the City of Houston shall have the right to charge, for business or office connection, Three Dollars (\$3.00) per month; for residence, Two Dollars (\$2.00) per month.

Party Lines: Business or office, Two Dollars (\$2.00) per month; residence, One Dollar (\$1.00) per month.

Rate Two: Telephone lines and exchanges having in excess of three thousand (3000) paying subscribers within the limits of the City of Houston shall have the right to charge, for

business or office connections, Five Dollars (\$5.00) per month; for residence, Two Dollars (\$2.00) per month.

Party Lines: Business or office, Three Dollars (\$3.00) per month; residence, One and 50/100 Dollars (\$1.50) per month.

Provided, that the rates above fixed are fixed for a reasonably efficient service, and in the event the service is not reasonably efficient, the subscriber or customer can satisfy his bill and the requirements of this section by paying or tendering to the person, firm, corporation or receiver operating or owning the telephone lines such proportion of the rate fixed by law for the service as the service actually furnished bears to a reasonably efficient service.

In the event the service is not reasonably efficient, and the customer has paid in advance for the service at the rate fixed by this section, he can deduct an amount proportionate to the deficiency in the service from the rate for the next month, and the person, firm, corporation or receiver operating or owning the telephone line shall be bound in all cases to receive said sum of money and continue to furnish the service; provided, that the amount of money paid by the customer is proportionate to the service rendered. (Nov. 22, 1909, Ord. Bk. 3, p. 541, Sec. 1.)

Sec. 991. Penalty—Any person, firm, corporation or receiver operating or owning telephone lines or exchanges within the limits of the City of Houston, Harris County, Texas, engaged in the business of furnishing telephonic connections and service to the citizens of said City of Houston, or any agent, manager or superintendent thereof, who shall charge any greater rates or tolls for the services herein named than those hereinbefore fixed, or who shall refuse to continue to furnish the service because the customer fails or refuses to pay a greater amount for the telephone service than is fixed by Section 990, or than is payable under the next preceding section for the character of service rendered in the particular case, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in any sum not less than Twenty-five Dollars (\$25.00) and not exceeding One Hundred Dollars (\$100.00) for each offense, and in case of failure or refusal to further furnish telephone service to the consumer or subscriber, it shall be a separate offense for each day that there is failure or refusal to furnish the service. (Id.)

Sec. 992. Rates to Fire Stations and Public Schools—That any person, firm, corporation or receiver operating or owning

telephone lines within the City of Houston shall furnish telephone service to fire stations and to public schools at the following rate, viz: Telephone service shall be furnished to fire stations at the rate provided for business or office phones, and telephone service shall be furnished to public school buildings at the rates provided for residence phones. (Jan. 4, 1911, Ord. Bk. 3, p. 21, Sec. 1.)

Sec. 993. Additional License Fee—That the Southwestern Telegraph and Telephone Company be and it is hereby required to pay to the City of Houston, in addition to the payments required to be made by it by that certain ordinance entitled, "An ordinance granting to the Southwestern Telegraph and Telephone Company, its successors and assigns, the right, franchise and privilege of building, maintaining and operating a system of telephones or telephone exchanges in the City of Houston, and granting the right of way and other privileges on the streets of Houston," the sum of Eight Hundred and Fifty Dollars (\$850.00) per annum, which payment shall be made as follows:

In quarterly installments on the first day of January, April, July and October of each year for the next ensuing three years. (Jan. 3, 1911, Ord. Bk. 3, p. 21, Sec. 1.)

Sec. 994. Payments to Be Made Collector of Tax—The said payments shall be made to the officer authorized to collect such taxes for said city. (Id., Sec. 2.)

Annual Reports.

Sec. 995. Sworn; to Be Filed Between Jan. 1st and March 1st—That every person, firm, association, corporation or receiver operating or owning telephone lines and exchanges in the City of Houston, Harris County, Texas, engaged in the business of furnishing connections and service to the citizens of said City of Houston, is hereby required to file between January 1st and March 1st of each year a sworn annual report showing all property, real, personal and mixed, of said corporation or persons, on hand on said January 1st, and owned by said corporation or persons, and used in said telephone business in the year preceding said date and showing the gross income derived from the operation of said telephone business in the City of Houston for the year preceding said January 1st, and showing the actual expense of operation and maintenance of said telephone system in the City of Houston for the year preceding said January 1st; and furnishing such other

information as may be by this chapter specifically required. (Dec. 30, 1909, Ord. Bk. 2, p. 546, Sec. 1.)

Sec. 996. Contents, Etc.—The report in so far as it undertakes to state the property of said public service, business and the value of same, shall not be sufficient or a compliance with this article unless it sets forth a detail list and description of all property, real, personal and mixed, owned by said person, firm or corporation, in Houston, Texas, on January 1st, of each year; and also of all property in Houston, Texas, actually used in the telephone business in said city in the year preceding said January 1st, together with a statement of the value of each item of property set opposite the same in said list.

If any of such listed property is not or has not been during the year preceding said January 1st, actually used in said telephone business, that fact shall be stated in the report.

The report shall state also with reference to each item of property and assets, the condition of same on said January 1st, and the extent, if any, to which same is depreciated in value from age, use or other causes. The report shall also state, with reference to each item of property the estimated cost of reproducing the same new on the date, January 1st.

Said report of property and assets and value thereof, situated in Houston, shall specifically state whether any of the property listed is situated in Houston Heights or Brunner, or elsewhere without the corporate limits of the City of Houston and within two (2) miles thereof, and is used and operated in connection with the Houston offices, and shall state separately the value and the degree of depreciation and cost of production of each of said items of property operated in connection with the Houston office and situated in Brunner, Houston Heights or outside the corporate limits of the city and within two (2) miles of said limits.

Said list of property shall specifically set forth among other property:

First. All real estate or lease-hold interests in land, describing same, owned by said person or corporation engaged in said telephone business.

Second. The number of linear feet of conduits, stating the location of same within the city, and from what beginning point to what ending point they extend. By a linear foot of conduit is meant a foot in length of same, whether same contains one duct or many ducts; and said statement shall show as to each conduit, how many ducts it contains and how

many wires are contained in each duct. And said report shall show in what year the said conduits were constructed and shall further show how many linear feet of conduits are situated within the limits of the City of Houston, and how many linear feet of conduits, if any, are situated outside of the limits of the city within two (2) miles thereof, and what part of same, describing same, were constructed in the year preceding said January 1st. And said report shall be accompanied by a map or sketch representing plainly on same the location of said telephone conduits.

Third. Said report shall also show the number of telephone poles owned and operated by said person, firm or corporation on January 1st, and during the year preceding, and shall be accompanied by a map or plat showing the location and position of the various lines of poles and of each pole, and the report shall indicate how many of said poles are situated within the corporate limits of the City of Houston and how many of the same are situated outside of the corporate limits of the city, and within two (2) miles thereof, and shall state specifically how many of the poles listed were erected in the year preceding said date of January 1st; and said report shall show the number of wires strung on said poles.

In addition to the other matters required by this report, same shall state the estimated value of a telephone pole, not inserted in the ground, and the cost and expense of inserting a pole in the ground, and the estimated value of each mile of single telephone wire, and the estimated cost and expense of inserting said mile of wire in a conduit, and of stringing same on poles, and the estimated expense of constructing one thousand (1000) feet of conduits, not including in said last estimate the cost of inserting the wires therein.

And the report shall state specifically with reference to each pole and line of wire what its condition with reference to being in a state of repair.

Fourth. Said list of property shall also include a specific list of each telephone exchange owned by said person, firm or corporation, stating whether the building and property on which same is situated is owned by said person, firm or corporation, or is rented, and giving a specific list of all switch boards and of all other property of said telephone business, such as telephones and all appliances and appurtenances used in connection with said telephone business, and shall state specifically with reference to all property, whether same was

purchased or constructed in the year preceding the said date of January 1st.

Fifth. Said person, firm or corporation shall list any other property or assets (used in its telephone business in Houston) which it may own, and state the value and other required information in reference to same, if they believe that such property or assets and its value should be considered in fixing or regulating the rates to be charged for said telephone service. (Id., Sec. 2.)

Sec. 997. Facts As to Gross Income—Said report shall state the following facts as to the gross income of said telephone business in the City of Houston for the year preceding said January 1st, viz.:

First. Said report shall state the total number of actual subscribers for business telephones within the corporate limits of the City of Houston during the year preceding said January 1st, and the gross revenue derived therefrom.

Second. Said report shall state the total number of actual subscribers for business telephones outside the corporate limits of the City of Houston, and within two (2) miles of said limits, and within Brunner and Houston Heights during the year preceding said January 1st, and the gross revenue derived therefrom.

Third. Said report shall state the total number of actual subscribers for residence telephones within the corporate limits of the City of Houston during the year preceding said January 1st, and the gross revenue derived therefrom.

Fourth. Said report shall state the total number of actual subscribers for residence telephones in Brunner and Houston Heights, and outside the corporate limits of the City of Houston, but within two (2) miles of said limits, during the year preceding said January 1st, and the gross revenue derived therefrom.

Fifth. Said report shall also state the total charges for the year preceding said January 1st for long distance telephone calls from Houston to other points away from Houston, and the gross amount of said long distance charges collected by the Houston office, and the proportion of said charges allowed to the Houston office by the person, association or corporation operating said telephone system; or the proportion of said long distance gross receipts to which the Houston office is fairly entitled in the absence of a specific allowance.

Sixth. Said report shall also state the total charges for the year preceding said January 1st for long distance telephone calls from other points away from Houston to this city, and the gross amount of said long distance charges collected by the Houston office, and the proportion of said charges allowed to the Houston office by the person, association or corporation operating said telephone system; or the proportion of said long distance gross receipts to which the Houston office is fairly entitled in the absence of a specific allowance.

Seventh. Said report shall also state the gross amount of the long distance telephone charges from Houston to outside points, or from outside points to Houston, collected by other offices than the Houston office, and the proportion of said amounts so collected allowed to the Houston office, or to which the Houston office is fairly entitled in the absence of a specific allowance.

Eighth. Said report shall also state the total amounts of all other gross receipts derived from other sources than those above named during the year preceding said January 1st, and shall state the source of such receipts. (Id., Sec. 3.)

Sec. 998. Operating Expenses; Facts to Be Shown—Said report shall also state the operating expenses for the year preceding January 1st, and in doing so shall state specifically:

First. The expenses incurred during the year for salaries; First, of officials and office force, such as bookkeepers, etc., of the Houston office. Second, salaries for the year of the contruction force, such as linemen, etc. Third, number of telephone operators in the Houston office, and total amount paid to them for services in the year prior to said January 1st. Fourth, said report shall state any other amounts paid out in the nature of salary or compensation for personal service in the year preceding said January 1st.

The report shall also give an estimate as to what part of the above amount paid out during the year for salaries and personal services should be charged to business outside of Houston, and what part should be charged to local business.

The said statement will also set forth in detail the amount expended in the year preceding said January 1st in the repair of property, a part of the telephone plant, in a state of partial depreciation from age or use, and shall set forth—first, how much was expended for this purpose for labor, and second, how much for material. And said statement shall also furnish an estimate of money which will be needed in the coming year for repair of such partial depreciations.

Said report shall further set out the expense incurred in the year previous to said January 1st in replacing material of the plant, which was completely depreciated, that is to say, in the substitution of good poles or other material and appliances for such as were entirely worn out and useless, and shall state how much of this amount was expended—first, for labor; and second, for material; and said report shall estimate the amount to be needed in the following year to replace such completely depreciated material, stating the basis of such estimate.

Said report shall further set out any other expense of operation for the year preceding said January 1st, not specifically reported in the earlier part of said report. (Id., Sec. 4.)

Sec. 999. If Corporation Operating Telephones in Other Cities, Etc.—If the said telephone business in the City of Houston is operated by a corporation which owns or operates a line of telephones in other cities, and connecting said cities, such corporation may embody in said report:

First. A statement of the total amount of capital stock issued by said corporation, other than such as may remain in the treasury of the company, and the market value of same.

Second. A statement of the total amount of bonds outstanding against said corporation and the market value of same.

Third. The total number of miles of telephone line in length owned and operated by said corporation in the City of Houston.

Fourth. The total number of miles in length of telephone line operated by said corporation in other cities than Houston.

Fifth. The total number of miles in length of telephone line operated by said corporation in connections between cities.

A mile in length of telephone line is constituted by a telephone line reaching a mile in length, whether there be one or many wires strung upon same; or, if the line be in conduits, whether there be one or many ducts in said conduits, or one or many wires in same.

Where, from the manner in which the books of said telephone system have been kept, all of the matters required by the above report cannot be stated with precision, they shall be stated approximately with the greatest accuracy possible. And the books of said telephone system shall hereafter be so kept that the report required by this article can be made with precision. (Id., Sec. 5.)

Sec. 1000. Requirements As to Oath—Said report shall be sworn to by the manager, superintendent or other person

in charge of said telephone system in the City of Houston. The affidavit made as to the property of said telephone system, as to the gross income for the previous year, and as to the operating expenses for the previous year, shall be made in positive terms. The affidavit as to values, estimates and such matters shall be that they have been given in good faith and are believed to be true and correct. Said report as to expenses of operation and gross receipts shall also be sworn to in positive terms by the chief bookkeeper of said telephone system in the City of Houston. (Id., Sec. 6.)

Sec. 1001. To Be Filed and Published if Corporation Requests—Said report shall be filed with the City Secretary at any time after the first day of January of each year, and prior to the first day of March of said year, and same shall be carefully preserved by the City Secretary for the inspection of the Mayor and members of the City Council, and shall not be published or submitted to the inspection of other persons, unless the person or corporation operating said telephone system shall request that it be so published; provided, that all or any part of said report may be made public, if so directed, either by the Mayor or the City Council. (Id., Sec. 7.)

Sec. 1002. Penalty—If the person, association or corporation operating said telephone system, or the superintendent, manager or other person in charge thereof, fails to file a report in substantial accordance with the provisions of the next preceding seven sections by the first day of March of any year, such person, association or corporation, and such manager, superintendent or other person in charge of said telephone system so failing, shall each be guilty of an offense, and on conviction thereof in the Corporation Court shall be fined in any sum not less than Ten Dollars (\$10.00) nor more than Twenty-five Dollars (\$25.00) for each offense, and it shall be a separate offense for each day after March first that said report has not been filed. (Id., Sec. 8.)

CHAPTER XXXIV.**Purchasing Agent.**

Sec. 1003. Creation of Office; Salary; Bond—That there is created the office of Purchasing Agent for the City of Houston, who shall be appointed by the Mayor and confirmed by the City Council every two years, and who shall hold office for two years or until removed by the Mayor or City Council, or recalled by the qualified voters, or for the unexpired term of the Purchasing Agent whose unexpired term he is appointed to fill, and who shall receive a monthly salary of Three Hundred Dollars (\$300.00). He shall, upon being appointed and confirmed, take an oath of office to faithfully and impartially perform the duties of his office, and he shall enter into a bond with two (2) or more good and sufficient sureties, or a surety company authorized to do business in Texas, payable to the City of Houston, in the sum of Five Thousand Dollars, to be approved by the Mayor, conditioned for the faithful performance and discharge of the duties of his office, and such other duties as may be imposed upon him by the ordinances or by the Mayor or by the City Council, and that he will correctly and honestly pass upon and award all bids and contracts for supplies, and not violate the provisions of the Charter and of this chapter in reference to the matters herein referred to. (Mar. 9, 1914, Ord. Bk. 4, p. —, Sec. 1.)

Sec. 1004. Duties—That it shall be the duty of said Purchasing Agent to pass upon the requisitions of all heads of departments and officers, agents and employees of the City of Houston, for all supplies, merchandise and articles of every description needed by it or them or either of them for the use and benefit of the City of Houston, and to contract for and purchase the same; provided, that should there be doubt in his judgment as to the needs of said department, officers or employees of any supplies, merchandise or articles for the use and benefit of the City of Houston, he shall submit such requisition to the Mayor and Council in administrative session for its instruction thereon and with reference thereto. In making purchases he shall use his best efforts to purchase the same at the least cost to the city, and when prices are submitted upon two or more articles of different brands or grades, he shall determine which of the brands or grades shall be purchased,

so as to secure for the city the best, most satisfactory and advantageous supplies, merchandise and articles, bearing in mind the use to which the same is to be applied, its lasting qualities and the cost; provided, that all other things being equal, those bidders having an established local business in the City of Houston are to be given the preference; provided, further, that so far as practicable all such supplies, merchandise and articles contracted for and purchased by him shall be let or made upon competitive bids or prices, and that no contract for supplies for current use shall be made for a longer period than ninety (90) days. (Id., Sec. 2.)

Sec. 1005. Necessity for Appropriation Before Acting—That such Purchasing Agent, before granting any requisition for, or contracting for, or accepting any bids, or purchasing any such supplies, merchandise or articles, shall inform himself as to whether or not there is an appropriation therefor out of which payment for same can be made, and if there is not, then he shall refuse to grant such requisition or to contract for, or accept such bids or to purchase such supplies, merchandise or articles. (Id., Sec. 3.)

Sec. 1006. Rules and Regulations May Be Established, Etc.—That such Purchasing Agent may establish such rules and regulations governing requisitions and the transaction of business between himself and heads of departments, officers and employees, and between himself and bidders on and vendors of such supplies, merchandise and articles as he may desire to purchase, not inconsistent with this chapter or the Charter and ordinances of the city. (Id., Sec. 4.)

Sec. 1007. Ex-officio Public Service Commissioner—That he shall be ex-officio Public Service Commissioner until such time as that office may be filled by appointment by the Mayor and confirmation by the City Council, and during such time, he shall perform all the duties thereof, but he shall receive no extra compensation therefor. (Id., Sec. 5.)

Sec. 1008. Restrictions Upon Interest, Etc., By—That such Purchasing Agent shall not be interested in, or in any manner connected with, any contract or bid for furnishing such supplies, merchandise or articles, or with any person, firm or corporation or receiver, or trustee of such, who contracts for, bids upon, or sells to the city any such supplies, merchandise or articles, nor shall he accept or receive from any such, directly or indirectly, by rebate, gift or otherwise, any money or other thing of value, nor shall he receive any promise,

obligation or contract for future reward or compensation from any such; provided, that a violation of the provisions of this section shall be cause for impeachment and removal from office; provided, further, that the specification of impeachment and removal from office for violation of this section shall not prevent the City Council from impeaching or removing such officer for other violations of or failure to perform the duties of his office. (Id., Sec. 6.)

Sec. 1009. Clerks—That such Purchasing Agent shall have such clerks as may be allowed by the Mayor and City Council, and at such salaries as he and it may fix.

CHAPTER XXXV.

Railways.

Sec. 1010. Flagmen at Crossings—It shall be the duty of each railway company operating a railroad within the corporate limits of the City of Houston to keep by day and night at such public crossings as may be designated from time to time by the City Council, one or more flagmen, whose duty it shall be to warn passengers of the approach of trains, and to see that said crossings are kept free of standing trains, locomotives and other obstructions. (Code 1904, Art. 1037.)

Sec. 1011. Electric Lights at Crossings—It shall be the duty of each railway company operating trains within the City of Houston over and across the streets in said city to illuminate each crossing, unless otherwise ordered by the City Council, with an electric arc lamp, not more than seventy-five feet distant from such crossing, and not less than twenty feet distant from the ground, and of not less candle-power than is used in the case of general arc lights used by the city for lighting streets. (Id., Art. 1038.)

Sec. 1012. Penalty—Any railway company, person or corporation operating a railroad in the City of Houston over any crossing who shall fail to comply with the provisions of the next two preceding sections shall be liable to a penalty of Fifteen Dollars, the same to be recovered in a civil suit brought in the name of the City of Houston in either of the proper Justice's Courts of Harris County, Texas, and each day's failure to comply with said sections shall constitute a separate offense and liability. (Id., Art. 1029.)

Sec. 1013. Crossings Not to Be Blocked Exceeding Five Minutes, Etc.—That it shall be unlawful for any yardmaster, engineer, conductor or other person or persons in any manner controlling or operating any railway locomotive, engine, car or train of cars, to suffer or permit any such locomotive engine, car or train of cars to remain standing upon any public street crossing within the corporate limits of the City of Houston for a longer period than five minutes, and all periods of time such locomotive engine, car or train of cars is permitted to stand upon such public crossing shall be considered one period unless between such periods five minutes elapse

during which time no such locomotive engine, car or train of cars is permitted to stand on such crossing. (Feb. 27, 1905; Ord. Bk. 2, p. 455, Sec. 1.)

Sec. 1014. Penalty—Any yardmaster, engineer, conductor or other person or persons in any manner in control or operating such locomotive engine, car or train of cars, who shall violate any of the provisions of the next preceding section, shall, upon conviction thereof, be fined in a sum not less than Twenty-five nor more than Fifty Dollars. (Id., Sec. 2.)

Sec. 1015. Locomotives, Etc., Not to Remain Standing, Etc.—It shall be unlawful for any foreman of a switching crew, engineer or conductor of a railway train, or other person in charge of a railway train, car or cars, or railway engine, to permit any locomotive, engine, car or cars, or train of cars, to remain standing upon any public street crossing or intersection of two streets within the corporate limits of the City of Houston for a period longer than five (5) minutes. (Feb. 4, 1907; Ord. Bk. 2, p. 359, Sec. 1.)

Sec. 1016. Locomotives, Etc., Not to Remain Standing, Etc.—It shall be unlawful for any foreman of a switching crew, engineer or conductor of a railway train, or other person in charge of a railway train, car or cars, or railway engine, to cause or allow any railway locomotive, engine, car or cars, or train of cars, to stop in and remain upon any street or sidewalk within the corporate limits of the City of Houston, other than a public street crossing or intersection of two streets, for a longer period than thirty (30) minutes at any one time. (Id., Sec. 2.)

Sec. 1016a. Penalty—Any person who shall violate any provision of the two next preceding sections shall, upon conviction in the Corporation Court, be fined in any sum not less than Five Dollars (\$5.00) nor more than Two Hundred Dollars (\$200.00). (Id., Sec. 3.)

Sec. 1017. Safeguards to Be Provided—Whenever on any street or sidewalk crossed by the track or tracks of any railway company the City Council deems it necessary to provide protection to the persons and property at such crossings by the erection and maintenance of gates, guards or other protection, said Council may so declare and direct that said railway company shall, within a certain time, to be fixed by the Council, erect, construct and maintain a sufficient safeguard of such character at such crossings, specifying the kind of protection

to be erected, constructed and maintained as aforesaid, whether it be a gate or gates, guard or other protection; and it shall be the duty of the City Secretary to serve upon such company named in said resolution a certified copy thereof within ten days after passage of said resolution, leaving a copy thereof with the local agent of said company at Houston, or at the general office of said company. (Code 1904, Art. 1043.)

Sec. 1018. Penalty for Failure to Provide Safeguards—Whenever any railroad company shall have been directed by the City Council to erect, construct and maintain at any street or sidewalk crossed by its track or tracks, any gate or gates, guards or other protection, as provided in the next preceding section, such company shall, within the time prescribed in said resolution, construct and thereafter maintain the protection specified in said resolution, under a penalty of One Hundred Dollars for every failure so to do, and each and every ten days after the expiration of the time so fixed for the construction of such protection that any company shall refuse or neglect to proceed to the erection and construction of the kind of protection specified, shall constitute a separate and distinct offense, and incur a separate penalty, such penalty to be recovered at the suit of the city in either of the Justice's Courts of Precinct No. 1, Harris County, Texas. (Id., Art. 1044.)

Sec. 1019. Expense of Safeguard to Be Borne by the Railroad—Every such gate, guard or other protection, and the approaches thereto, when so ordered as aforesaid, shall be erected and constructed at the sole cost and expense of said railroad companies, under the supervision of the City Engineer and Street and Bridge Commissioner, and the same shall thereafter be kept and maintained by such railroad company in proper repair and condition at its own cost and expense, and without cost or expense to the City of Houston, and under the supervision of the City Engineer and Street and Bridge Commissioner of said city. (Id., Art. 1045.)

Sec. 1020. Penalty for Failing to Maintain Safeguards—Whenever any gate or guard shall have been erected, under the provisions hereof, it shall be the duty of the railway company on whom devolves the duty of maintaining and operating same to keep same securely closed at the approach of and during the passage of any railway train across the part of the street or sidewalk it is designed to protect; provided, same shall not be kept closed longer than five minutes at any one time, and any railway company violating the provisions of

this section shall be subject to a penalty of not exceeding Fifty Dollars, to be recovered as provided in preceding sections of this Code. (Id., Art. 1046.)

Sec. 1021. Railroad Companies Shall Light the Streets; Penalty—It shall be the duty of each railroad company having a line of railway within the corporate limits of the City of Houston, to erect and place suitable and proper lights at such points on the line of its railway within the inhabited area of the City of Houston as shall be designated by the City Council, and maintain the same, and cause said lights to be lighted and kept burning from dusk each evening continuously through each night until daylight; which said lights shall be so placed and constructed as to light the entire street at the point where the same is constructed, and show the condition and location of the tracks and crossings. If, after the expiration of ten days from and after notification shall have been served upon any railway company, said company, or any engineer, conductor, fireman or other agent, servant or employee of any railway company shall run any engine or train of cars, between dusk and daylight, over any line of track not lighted as required by this section, such person shall be deemed guilty of an offense, and, upon conviction, shall be fined in any sum not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00) for each time he may commit the offense. (Id., Art. 1047.)

Sec. 1022. Speed of Railroad Trains in City Limits; Penalty—It shall be unlawful for any engineer or other person in charge of a locomotive or train to run the same within the corporate limits of the city at a greater rate of speed than six miles an hour, and any person so offending shall, upon conviction, be fined in any sum not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00). (Id., Art. 1048.)

Sec. 1023. Locomotive Bells Must Be Kept Ringing—It shall be the duty of every engineer or the person in charge of an engine to cause the engine bell to be rung continuously whilst the engine or cars are in motion, and every person who shall fail so to do shall be deemed guilty of an offense, and shall be fined, on conviction, in any sum not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00). (Id., Art. 1049.)

Sec. 1024. Jumping On and Off Railroad Train While in Motion—It shall be unlawful for any person in this city to

jump off or on, cling to or hang on any railway engine or car, whilst the same is in motion, said person not being a paying passenger, or an employee, or an official of the railroad company; and any person violating this section shall be fined, on conviction, not less than Five nor more than Fifty Dollars.

Sec. 1025. Baggage Masters Invested With Police Authority—The several depot and baggage masters on duty at the several railway depots in the City of Houston are hereby invested with all the powers and authority of policemen for the preservation of good order at, in and about their several depots, but may act as such only upon condition that their service in this behalf is without pay from the city. (Id., Art. 1052.)

Sec. 1026. Depot and Baggage Masters May Assign Stations to Vehicles—The said depot and baggage masters are hereby authorized and empowered to assign to the several omnibuses, carriages, hacks, drays, express and baggage wagons, their proper stations at the depots, looking only to the convenience of passengers. (Id., Art. 1053.)

Sec. 1027. Penalty—Any person guilty of a breach of any of the sections of this chapter, where other penalty is not provided, shall be fined in a sum of not less than One nor more than One Hundred Dollars. (Id., Art. 1054.)

Sec. 1028. Depot and Baggage Masters Must Take Oath, Give Bond, Etc.—No depot master or baggage master shall have power to use or exercise the authority conferred by this chapter without his having taken the oath prescribed for peace officers before the Mayor, and until he shall have given a bond as provided to be given by other policemen. He shall wear conspicuously a badge inscribed with the words, "Special Police," and shall, at all times, be subject to such reasonable regulations as may be made by the Mayor and Chief of Police.

Sec. 1029. Railroad Companies Must Make Necessary Drains, Etc.—It shall be the duty of all railway companies whose lines of road are now constructed or which may hereafter be constructed on or over any street or part of a street in the City of Houston, to make, construct and maintain, under the supervision of the Street and Bridge Commissioner, and in accordance with the plans and specifications to be furnished by the City Engineer, all such drains, culverts, waterways and ditches, and such other connections as shall be deemed neces-

sary by the said commissioner to properly drain the streets through or over which said railway line may be constructed, and to conduct the water outside the city limits. (Id., Art. 1036.)

Sec. 1030. Railroad Companies Must Keep Streets in Repair, Etc.—It shall be the duty of each railway company whose lines of road are constructed, or may be hereafter constructed, within the corporate limits of the City of Houston, to put in good repair and maintain in good condition all streets or parts of streets through or over which its line of road may run, and to keep the same free from obstructions of every kind, which said repairs shall be made and constructed under the direction and supervision of the Street and Bridge Commissioner and City Engineer. (Id., Art. 1057.)

Sec. 1031. Railroad Companies Must Construct and Keep in Repair Bridges, Etc.—It shall be the duty of each railway company to construct and keep in repair all bridges and crossings from curb line to curb line at the intersections of streets with its line of railway, and over all ditches, sewers and culverts on the line of its railway, and to fill up and grade all sinks and gullies adjacent to or on the line of its road, which said work and improvements shall be done and made under the direction of the Street and Bridge Commissioner and City Engineer, and in such manner and of such material and at such points as may be required by them. (Id., Art. 1058.)

Sec. 1032. The Street and Bridge Commissioner to Have Plans Prepared—It shall be the duty of the Street and Bridge Commissioner, whenever in his judgment any action is necessary to enforce the provisions of the three next preceding sections, to cause to be prepared by the City Engineer plans and specifications for such improvements of the character contemplated by said three preceding sections, as he may deem necessary to be made by any person or corporation owning or operating a line of railway within the corporate limits of the city. Such plans and specifications, when so prepared, shall be submitted to the City Council, together with a resolution declaring such improvements to be necessary, and directing that such person or corporation be notified to construct the same without delay, and said plans and specifications shall be filed in the office of the City Secretary. (Id., Art. 1059.)

Sec. 1033. Notice to Be Given—After said plans and specifications shall have been approved by the City Council, and said resolution passed, it shall be the duty of the Mayor

to cause to be notified such person or corporation, by written notice, to begin said improvement within ten (10) days from the service of such notice. Said notice shall be accompanied by a copy of said resolution, and contain a reference to said specifications, filed as aforesaid, and the same shall be authenticated by the certificate of the City Secretary, and in case of a corporation, said notice shall be delivered to its chief officer or agent residing in the City of Houston. (Id., Art. 1060.)

Sec. 1034. Penalty for Failure to Make Required Repairs—If any person or corporation shall fail, refuse or neglect to begin said improvements within ten days from the service of said notice, or shall neglect to complete the said improvements within sixty days after such notice, such person or corporation shall be liable to a penalty of Fifty Dollars (\$50.00) for each day said failure or neglect shall continue, and it shall be the duty of the Mayor to cause suit to be instituted in the proper court for the recovery of such penalty. (Id., Art. 1061.)

Sec. 1035. Railroads to Provide Crossings—That it is hereby made the duty of all railroad companies and managers thereof owning or controlling steam railroads in the City of Houston, and operating trains thereon, to provide crossings easy of access and suitable for the use of street traffic. Said crossings shall be constructed of vitrified brick, or other permanent paving material, satisfactory to the City Engineer. Said crossings must be so constructed as to be easy of access and reasonably smooth. When brick is used, same must be laid on a five (5) inch concrete foundation, under the supervision of the City Engineer, and to the satisfaction of the Mayor of said city. (July 18, 1911; Ord. Bk. 3, p. 44, Sec. 1.)

Sec. 1036. Time Within Which Crossings to Be Constructed—That the time within which said crossings shall be constructed by said railroad companies or the managers thereof shall be sixty days from the mailing of a copy of the preceding section, a copy of which shall be sent by mail to each railroad company, or the manager thereof, and such mailing shall be due and lawful notice to such company, or the manager thereof, to construct said crossings as required by the next preceding section. (Id., Sec. 2.)

Sec. 1037. Penalty—Any railroad company and the manager thereof, owning or controlling any railroad in the City of Houston, and operating trains thereon, who shall fail to construct crossings over its roads as required by the next two

preceding sections within such sixty (60) days, shall be guilty of an offense, and upon conviction thereof in the Corporation Court shall be fined in the sum of not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00); provided, that such failure shall be a separate offense, both in the railroad company and the manager thereof; and provided, further, that it shall be a separate offense for each day that any crossing remains unpaved in violation of the next two preceding sections after the expiration of the said sixty (60) days. (Id., Sec. 3.)

Sec. 1038. Prohibited From Blowing Whistles Over Five Seconds—All persons are prohibited from blowing any whistles on any locomotive, or single blasts therefrom, within the limits of the City of Houston, for a longer period of time than five (5) seconds, except when there is imminent danger of an accident.

All persons are prohibited from blowing off or blowing out a boiler when crossing any public street, alley or other thoroughfare within the limits of the City of Houston.

That each and every person violating any provision of this section shall be fined in any sum, upon conviction, not less than Five Dollars (\$5.00) and not exceeding Fifty Dollars (\$50.00). (Id., Art. 1062.)

Sec. 1039. Unlawfully Running Locomotive Engines—Any person who causes, permits or suffers any locomotive engine to run within the limits of the city at a greater rate of speed than six (6) miles per hour, or who causes, permits or suffers any locomotive engine or train to run or move in the night time without having a headlight, or who shall cause, permit or suffer any locomotive engine or train to run at any time without causing the proper signals to be given, must be fined not less than one nor more than One Hundred Dollars (\$100.00). (Id., Art. 1063.)

Sec. 1040. Unlawful to Use Any Part of Commerce Avenue; Where—That it shall be unlawful for any railroad company to use any part of Commerce Avenue for the switching of railroad freight trains between San Jacinto and York (Travis) Streets, within the corporate limits, and the violation of this section by any railroad company is hereby declared to be a nuisance. (Id., Art. 1064.)

Sec. 1041. Penalties—That prosecution for the violation of the preceding section may be against the yardmaster or

any employee, or person in control of such train, or the manager, or the local agent of said railroad company. That for the violation of the terms of such preceding section, on conviction, there shall be assessed a fine of not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00), and the movement of each train shall constitute a separate offense. (Id., Art. 1065.)

Sec. 1042. Railroads to Place at Certain Crossings Fire Alarm Indicators—All railroad companies operating within the corporate limits of the City of Houston are required to place at each of the following named crossings, to-wit:

San Antonio & Aransas Pass Railroad crossing on McKinney and Hutchins Street;

Southern Pacific crossing on Hardy Street and New Orleans Avenue;

Montgomery and Southern Pacific Railroad crossing, Houston Avenue and Winter Street;

Houston & Texas Central crossing on Sixth and Railroad Streets;

Southern Pacific crossing on Maury and Leona Streets;

Houston & Texas Central crossing on Tenth and Railroad Streets;

Houston Avenue and Railroad Street;

Silver Street and Railroad Street;

Missouri, Kansas & Texas crossing and White Oak Bridge;

I. & G. N., Buffalo and Preston and Congress Avenues;

Hutchins and Commerce Streets;

German and I. & G. N. Place;

German and Chartres Streets, G. C. & S. F. R. R. Co.;

Willow Street and Allen Street, H. & T. C. R. R. Co.;

Odin Avenue and Mary Street, G. C. & S. F. R. R. Co.;

Odin Avenue and Carr Street, I. & G. N. R. R. Co.;

Congress and St. Emanuel Streets, G. C. & S. F. R. R. Co.;

Maffit and Conti Streets, H. E. & W. T. R. R. Co.;

Semmes and Conti Streets, S. P. R. R. Co.;

And from time to time such other crossings as the Chief of the Fire Department may direct, a fire alarm indicator connected with the fire alarm system of the City of Houston, which privilege is hereby granted to them respectively. (Id., Art. 1066.)

Sec. 1043. Crossings to Be Opened, When, Etc.—And when any indicator indicates that there is a fire, that the railroad crossing where such indicator is situated shall be opened at once and kept open for a space of fifteen minutes. (Id., Art. 1067.)

Sec. 1044. Crossings to Be Opened When Blocked, by Yardmaster—If any of above railroad crossings are blocked when the fire alarm indicates that there is a fire, it shall be the duty of the yardmaster in charge of the train of cars blocking the crossing, and the engineer in charge of the engine pulling the cars, and the watchman in charge of the crossing where such indicator is situated, to cause the said crossing to be cleared of cars at once, and to be kept clear of cars for a space of fifteen minutes, and the failure on part of yardmaster in charge of train of cars blocking the crossing, the engineer in charge of the engine pulling the cars, and the watchman in charge of the crossing where the indicator is situated, to clear said crossing of cars at once for a space of fifteen minutes, shall be unlawful and either or all such persons shall be fined in any sum not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00). (Id., Art. 1068.)

Sec. 1045. Must Not Sell Railroad Tickets Without License from Railroad—It shall be unlawful for any person or persons, firm or corporation, or for any officer, agent, servant or receiver of any corporation, for and in its behalf, now or hereafter engaged in the business of railroad ticket broker, or any other person or persons, with or without license therefor, in Houston, Texas, to sell, barter or transfer for any consideration whatever, the whole or part of any railroad ticket or tickets, street car ticket or tickets, pass or passes, or other evidence of the holder's right to travel on any railroad or street railway unless duly authorized so to do by the railroad or street railway, or the receiver thereof, issuing or authorizing the issuance of same, and unless such authority to sell same is in writing duly attested by the corporate seal of such railroad company or street railway, or the signature of the receiver thereof, if any there be, of such railroad company or street railway, or by the signature of the officer whose name is signed upon the tickets or coupons or other evidence of the right to travel on same, which such agent may be authorized to sell. (Id., Art. 1069.)

Sec. 1046. Penalty—Any one violating any provision of the next preceding section shall, upon conviction, be fined not

less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00) for each and every offense. (Id., Art. 1070.)

Sec. 1047. Must Show Certificate of Authority When Demanded—It shall be the duty of every person or persons, firm or corporation, or any officer, agent, servant or receiver of any corporation, for and in its behalf, now or hereafter engaged in the business of railroad ticket broker, or any other person or persons, with or without license therefor, in Houston, Texas, who shall be authorized to sell tickets or parts of tickets, or other evidence of the holder's right to travel over any railroad or street railway, upon demand to exhibit to any person desiring to purchase such ticket or tickets or parts of tickets, or other evidence of the holder's right to travel over any railroad or street railway, or to any officer of the law who may request it, a certificate of his authority to sell, and to keep said certificate posted in a conspicuous place in his office for the information of travelers. (Id., Art. 1071.)

Sec. 1048. Penalty—Any one violating any provision of the next preceding section shall, upon conviction, be fined not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00) for each and every offense. (Id., Art. 1072.)

Sec. 1049. M. K. & T. to Stop Trains at Houston Avenue Crossing; Penalty—That it shall be the duty of the Missouri, Kansas & Texas Railroad Company of Texas, its officers, agents and employees in charge of trains whether entering or leaving the City of Houston, and whether freight trains, passenger trains or mixed trains, to bring said trains, and each of them, to a full stop before crossing Houston Avenue, in the City of Houston, Texas, and any engineer or conductor in charge of any train entering or leaving the City of Houston, whether freight train, passenger train or mixed train, who shall fail to stop said train as required by this section, or other person having authority to stop same and failing to do so, shall be guilty of an offense and upon conviction thereof in the Corporation Court shall be fined in any sum not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00), and it shall be a separate offense also in each case on the part of the corporation, the Missouri, Kansas & Texas Railroad Company of Texas, which shall be fined also in addition to the fine imposed upon its employee chargeable with the failure to stop. Said Company may be fined in any sum not less

than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00). (Oct. 10, 1910, Ord. Bk. 2, p. 590, Sec. 1.)

Sec. 1050. Full Stop of Trains at Pinckney Street; Penalty—That it shall be the duty of each and every engineer in charge of any engine crossing in either direction said Pinckney Street on the railroad track of the Missouri, Kansas & Texas Railway Company of Texas, to bring his engine to a full stop at or about one hundred (100) feet from the center of said Pinckney Street, and before putting his engine again in motion, it shall be the duty of said engineer to blow his whistle and ring his bell.

Any engineer violating this section shall be guilty of a misdemeanor, and shall upon conviction thereof in the Corporation Court be fined in any sum not less than Ten Dollars (\$10.00) nor more than Two Hundred Dollars (\$200.00). (Aug. 13, 1906, Ord. Bk. 2, p. 351, Sec. 1.)

CHAPTER XXXVI.

Saloons, Regulation, Etc.

Sec. 1050a. Selling Intoxicants to Minors, Etc.—Any person who sells, gives or delivers any spirituous, vinous or malt liquors to any minor, student or pupil of any school, or to any person for the use of such minor, student or pupil, must be fined not less than One Dollar (\$1.00) nor more than One Hundred Dollars. (Code 1904, Art. 650.)

Sec. 1051. Minors Obtaining Liquors by Deception—Any minor who shall obtain or endeavor to obtain any vinous, spirituous or malt liquor from any retail liquor dealer, his agent or employee, by means of false representations, pretense or statement to the retail liquor dealer, his agent or employee, that such minor has attained his majority, or is twenty-one years of age or more, must be fined not less than One Dollar (\$1.00) nor more than One Hundred Dollars (\$100.00). (Id., Art. 654.)

Sec. 1052. Aiding Minors to Obtain Liquor by False Statements—Any adult who shall make to any retail liquor dealer, his agent or employee, any false pretense, statement or representation as to the age of a minor, with the intent and purpose to induce such retail liquor dealer, his agent or employee, to give, deliver or sell any vinous, spirituous or malt liquors to such minor, must be fined not less than One Dollar (\$1.00) nor more than One Hundred Dollars (\$100.00). (Id., Art. 655.)

Sec. 1053. Loitering or Loafing Around Saloons in Residence Districts, Etc.—That it shall be unlawful for any person to loiter or loaf in or around any saloon or place where intoxicating liquors are sold, which is situated within a residence section of the City of Houston, as hereinafter defined. If a person go into such establishment to purchase liquor, not to be drunk on the premises, he shall remain only so long as is reasonably necessary to purchase his liquor and to carry the same therefrom; if he remains longer, he is guilty of loitering and loafing, as prohibited in this section. If any person go into such establishment to purchase liquor to be drunk on the premises, he shall remain only so long as is reasonably necessary to buy and drink his liquor, and shall leave the

premises; if he stay in and around said premises longer, he is guilty of loitering or loafing, as prohibited in this section. If any person shall remain in and around such establishment, loitering and drinking from time to time, he shall be guilty of loitering and loafing, as prohibited in this section. (July 29, 1907, Ord. Bk. 2, p. 423, Sec. 1.)

Sec. 1054. Penalty—Any person loitering or loafing in or around any saloon or place where intoxicating liquors are sold, situated within a residence section of the City of Houston, as defined and prohibited in the preceding section, is guilty of an offense, and upon conviction thereof in the Corporation Court shall be fined in any sum not less than Five Dollars (\$5.00) nor more than One Hundred Dollars (\$100.00) for each offense. (Id., Sec. 2.)

Sec. 1055. Proprietor Permitting Loitering, Etc., Around His Establishment, Etc.; Penalty—If any person, the proprietor of any saloon or place where intoxicating liquors are sold, which is situated within any residence section of Houston, as herein defined, shall permit any person or persons to loiter or loaf in and around his establishment, as such terms are defined in Section 1053, or shall permit persons to congregate and remain in and around such premises, he shall be guilty of an offense, and upon conviction thereof in the Corporation Court he shall be fined in any sum not less than Five Dollars (\$5.00) nor more than One Hundred Dollars (\$100.00) for each offense. (Id., Sec. 3.)

Sec. 1056. Saloon in Residence District, Etc.; Defined—A saloon or place where intoxicating liquors are sold is situated within a residence section of the City of Houston, in the meaning of the term as used in Section 1053, first, when the majority of the houses in the block or square in which said establishment is situated are places of residence, and not business houses; or second, when in the particular block or square, and in the tier of blocks surrounding same, taking them together as a whole, there are more residences than business houses; or third, when there is either a school or a church situated within four hundred (400) feet of said saloon or place where intoxicating liquors are sold. (Id., Sec. 4.)

Sec. 1057. Unlawful to Purchase Intoxicating Liquor on Sunday; Penalty—That it is unlawful for any person to purchase intoxicating liquor in, about or from any saloon, bar-room or place where intoxicating liquors are sold at any time

on Sunday; and any person so doing shall be guilty of an offense, and on conviction in the Corporation Court shall be fined in any sum not less than Five Dollars (\$5.00) nor more than Fifty Dollars (\$50.00) for each offense. Each purchase shall constitute a separate offense. (Sept. 14, 1909, Ord. Bk. 2, p. 533, Sec. 1.)

Sec. 1058. Unlawful to Drink Intoxicating Liquor in, Etc., Saloon on Sunday; Penalty—That it is unlawful for any person other than the owner of such establishment to drink intoxicating liquor in or about any saloon, bar-room or place where intoxicating liquors are sold at any time on Sunday; and any person so doing shall be guilty of an offense, and on conviction in the Corporation Court shall be fined in any sum not less than Five Dollars (\$5.00) nor more than Fifty Dollars (\$50.00) for each offense. (Id., Sec. 2.)

Sec. 1059. Loitering, Etc., in, Etc., Saloon on Sunday Prohibited; Penalty—That it is hereby declared unlawful for any person or persons at any time on Sunday, to congregate in or about any saloon, bar room or place where intoxicating liquors are sold; and any person or persons so doing shall be guilty of an offense, and on conviction in the Corporation Court shall be fined in any sum not less than Five Dollars (\$5.00) nor more than Fifty Dollars (\$50.00) for each offense. (Amendment Jan. 28, 1914, Ord. Bk. 4, p. 74, Sec. 1.)

Sec. 1060. Definition Term "At Any Time on Sunday"—By the term, "at any time on Sunday," as used in the next three preceding sections, is meant any time after twelve o'clock midnight on Saturday and prior to twelve o'clock midnight on Sunday. (Id., Sec. 4.)

Sec. 1061. Buying or Drinking in, Between Certain Hours Prohibited—It shall be unlawful for any person to either buy or drink within any saloon or place where intoxicating liquors are sold any intoxicating liquor after 9:30 o'clock p. m. on Saturday and between that hour and 6 o'clock a. m. on the following Monday of any week; or between the hours of 9:30 p. m. and 6 a. m. of the following morning of any week day and it shall be a separate offense each time a person either buys or drinks intoxicating liquor either in or at said place within the prohibited hours. (Amendment Jan. 28, 1914, Ord. Bk. 4, p. 74, Sec. 1.)

Sec. 1062. Penalty—That any person who shall violate the provisions of the preceding section shall be deemed guilty

of a misdemeanor, and upon conviction shall be fined in any sum not less than Five Dollars (\$5.00) nor more than One Hundred Dollars (\$100.00). (Id., Sec. 1.)

Sec. 1063. Construction Two Preceding Sections—The prohibitions contained in the next two preceding sections shall not be construed as authorizing the keeping open of any saloon or place for the sale of intoxicating liquors, or the sale or purchase of intoxicating liquors at any time when said acts are prohibited by the laws of the State of Texas. (Id., Sec. 8.)

Sec. 1064. Unlawful to Conduct Saloon Without License; Penalty—That it is unlawful to conduct any saloon or place in which intoxicating liquors are sold at any locality in the City of Houston, unless the conduct of such business at such place has been duly licensed both by the City of Houston and by the State of Texas and County of Harris; and it is hereby declared unlawful for any person to lease to another any property or premises for the purpose of being used as a saloon or place at which to sell intoxicating liquor, unless such lessee is duly licensed both by the State of Texas and County of Harris, and by the City of Houston, to conduct such business in the said premises; and any person so conducting any saloon or place where intoxicating liquors are sold in any locality in the City of Houston without being so duly licensed or any person so leasing such property with the knowledge that the lessee has not such licenses both of the State and County and of the City, or after being notified by the City of Houston or other department of the government that such lessee has not such licenses, shall be guilty of an offense, and on conviction thereof in the Corporation Court shall be fined in any sum not less than Five Dollars (\$5.00) nor more than Two Hundred Dollars (\$200.00) for each offense, and it shall be a separate offense for each day that said property is leased for such unlawful purposes. (Sept. 9, 1907, Ord. Bk. 2, p. 448, Sec. 1.)

Sec. 1065. When Saloon Is Licensed—No saloon or place in which intoxicating liquors are sold shall be considered licensed, within the meaning of the preceding section, unless the said licensee has both a valid existing license from the City of Houston and a valid existing license from the State of Texas and County of Harris, to conduct such business at the particular property sought to be leased. (Id., Sec. 2.)

Sec. 1066. What Term "Person" Includes—The term "person," as applied to the lessor in Section 1064, shall include

any person, individual, corporation, partnership, or other association of persons.

Sec. 1067. Persons Forbidden to Purchase Intoxicating Liquor from Saloon, Etc., Not Licensed; Penalty—That it is unlawful for any person to purchase intoxicating liquor in or from any saloon, bar room or place where intoxicating liquors are sold, unless such place is, at the time of purchase, duly and legally licensed as a saloon or place where intoxicating liquors are sold, both by the State and County of Harris, and by the City of Houston, and any person so doing, with knowledge that such place has not been duly licensed by the City of Houston, or after being informed that such place has not been duly licensed by the State of Texas and County of Harris, or by the City of Houston, shall be guilty of an offense, and on conviction in the Corporation Court shall be fined in any sum not less than Five Dollars (\$5.00) nor more than Fifty Dollars (\$50.00) for each offense. Each purchase shall constitute a separate offense. (Sept. 9, 1907, Ord. Bk. 2, p. 449, Sec. 1.)

Sec. 1068. Persons Prohibited from Drinking Intoxicating Liquor in, Etc., Unlicensed Saloon; Penalty—That it is hereby declared unlawful for any person to drink intoxicating liquor in or about any unlicensed saloon, bar room or place where intoxicating liquors are sold, and any person so doing with knowledge that said place is not duly licensed, or after being informed that such place is not duly licensed, shall be guilty of an offense, and on conviction in the Corporation Court shall be fined in any sum not less than Five Dollars (\$5.00) nor more than Fifty Dollars (\$50.00) for each offense. (Id., Sec. 2.)

Sec. 1069. Persons Prohibited from Congregating in, Etc., With Knowledge Saloon Not Licensed; Penalty—That it is hereby declared unlawful for any person or persons to congregate in or about any unlicensed saloon, bar room or place in which intoxicating liquors are sold, and any person or persons so doing with knowledge that said place is not duly licensed, or after being informed that such place is not duly licensed, shall be guilty of an offense, and on conviction in the Corporation Court shall be fined in any sum not less than Five Dollars (\$5.00) nor more than Fifty Dollars (\$50.00) for each offense. (Id., Sec. 3.)

Sec. 1070. Definition Term "Licensed Saloon, Etc."—By the term "licensed saloon or place where intoxicating liquors

are sold," or by the terms "duly licensed" and "legally licensed," as applied to such places in this chapter, is meant a saloon or place where intoxicating liquors are sold which is at the time legally licensed by both the State of Texas and County of Harris, and by the City of Houston; and if said place, or the proprietor thereof, does not have at the time a lawful license from the City of Houston then in force, or does not have a lawful license from the State of Texas and County of Harris then in force, such place is not, within the meaning of this chapter, either licensed or duly licensed or legally licensed, as those terms are used in this chapter. (Id., Sec. 4.)

Sec. 1071. Saloon Prohibited in Certain District—It is hereby declared unlawful to conduct any saloon or place in which intoxicating liquors are sold within the following limits, to-wit:

Beginning at a point on Buffalo Bayou where Buffalo Bayou intersects with a line 100 feet west of the line of Heiner Street; thence south in a line distant 100 feet from Heiner Street to a point 100 feet north of the line of San Felipe Street; thence west in a line distant 100 feet from San Felipe Street to a point distant 100 feet east from the line of Valentine Street; thence north to a point distant south 150 feet from the line of Howard Street produced; thence west in a line distant 100 feet north of San Felipe Street to a point distant 100 feet east of the line of Lamb Street; thence north in a line which is distant 100 feet east from the east side of Lamb Street to a point 100 feet north of the north line of Howard Street; thence west to a point 100 feet east of the east line of Timpson Street; thence north to Buffalo Bayou; thence down Buffalo Bayou to the place of beginning, according to the map of the Stewart Abstract Company.

The City Council shall issue no license to conduct a saloon or liquor business within said district. (Aug. 17, 1908; Ord. Bk. 2, p. 481, Sec. 1.)

Sec. 1072. Penalty—Any person violating the preceding section shall be guilty of an offense, and upon conviction thereof in the Corporation Court shall be fined in any sum not less than Five Dollars (\$5.00) nor more than Two Hundred Dollars (\$200.00), and each day said saloon, bar room or place where intoxicating liquors are sold is so conducted in violation thereof will be deemed a separate offense. (Id., Sec. 2.)

Sec. 1073. Sleeping in Saloon, Etc., Prohibited; Penalty—Any person who sleeps in any theatre, playhouse or house

where spirituous, vinous or malt liquors are kept for sale shall be fined not less than One nor more than One Hundred Dollars. (May 22, 1905; Ord. Bk. 2, p. 187, Sec. 1.)

Sec. 1074. Preceding Section Does Not Apply to Owners, Etc.—The preceding section shall not apply to owners or proprietors of such places, nor to persons regularly employed therein. (Id., Sec. 2.)

CHAPTER XXXVII.

Sewers, Plumbing, Etc.

Article 1.—General Provisions.

2.—Laying of Lateral Sewers by Property Owners.

ARTICLE 1.

GENERAL PROVISIONS.

Sec. 1075. City Engineer to Examine Plans—(a) The City Engineer is hereby charged with the supervision of plumbing and drain laying and shall keep a record of all persons qualified to do plumbing or drain laying in the City of Houston. It shall be the duty of said City Engineer to receive and examine all plans presented to him for plumbing and drain laying, and he shall approve such as are in accordance with the ordinances of the City of Houston, and shall reject such as are not in accordance therewith, stating his reasons for rejection, if requested to do so. (Oct. 31, 1910; Ord. Bk. 3, p. 1, Sec. 1.)

Shall Inspect Before Covered—(b) He shall inspect or cause to be inspected all plumbing or drain laying before same is covered up, and when same is completed in accordance with the plans and specifications to his satisfaction, shall issue a certificate to the person doing the work, that same has been done in a proper and lawful manner. (Id.)

When He Shall Decline to Certify—(c) In case said plumbing and drain laying has not been done in a proper manner, either because of bad or imperfect work, or bad or imperfect material, he shall refuse to certify said work and shall report that fact to the Mayor of said city and to the person for whom the work is being done. (Id.)

When Work is Not Done According to Plans, Etc.—(d) And should said plumber or drain layer refuse to complete said job of work in accordance with the plans and specifications to the satisfaction of said Engineer, it shall be the duty of said Engineer to report said fact to the owner of the premises and to the Board of Examiners hereinafter provided, and to refuse to grant said plumber or drain layer a permit to do any further plumbing or drain laying, as the case may be, until said work has been properly done. (Id.)

Sec. 1076. Definition Terms "Plumbing," "Drainage" and "Drain Laying"—That when the terms "plumbing," "drainage" or "drain laying" are mentioned in this article it shall be held to include and govern all work done and materials used:

(a) In introducing, maintaining and extending a supply of water through pipe or pipes or any appurtenance thereof, in any building, lot, premises or establishment.

(b) In connecting or repairing any system of drainage whereby foul, waste or superfluous water, gas, vapor or other fluids are discharged or proposed to be discharged through a pipe or pipes from any building, lot, premises or establishment into any public or house sewer, drain, pit, box, filter-bed, or other receptacle, or into any natural or artificial water course flowing through public or private property, or in ventilating any house sewer or any fixture or appurtenance connected therewith. (Amendment March 9, 1914.)

Sec. 1077. Permits—(a) No person shall make any connection with or opening into any public or private sewer, nor lay any drains, nor do any plumbing within the City of Houston, without first having procured a permit for the particular job of work to be done from the City Engineer of said city and the City Engineer shall issue permits only after an application for same is made by the plumber or drain layer, accompanied by plans and specifications showing the work to be done to the satisfaction of said City Engineer. (Oct. 24, 1910; Ord. Bk. 3, p. 1, Sec. 2.)

When Permit Shall Not Be Granted; Examining Board—

(b) And said City Engineer shall issue no permit for plumbing to any person who has not first been regularly licensed to do plumbing by the Examining and Supervising Board of Plumbers, composed as follows:

The City Engineer, the Chief Plumbing Inspector, the City Health Officer, in his capacity as a member of the local Board of Health, and one master plumber of ten years' experience and one journeyman plumber of at least five years' experience; said Board to be appointed by the Mayor and confirmed by the Board of Aldermen of said city, on or before the first Monday in November of each succeeding year, and a majority of said Board shall constitute a quorum and shall be a sufficient number to grant or refuse a license. The several members of said Board (unless reappointed) shall hold office as members thereof for a term of not to exceed one year from the date of their

respective appointments, but no member of said board shall hold office for any fixed term, but shall always be subject to removal by the Mayor, or may be removed by the City Council, at the pleasure of the Mayor and Council, or either of them.

The Examining and Supervising Board of Plumbers so created shall examine and pass upon all persons now engaged in the business of plumbing, whether as a master plumber, employing plumber, or journeyman plumber in the City of Houston, and all persons who may hereafter wish to engage in the business of plumbing as master plumber, employing plumber or journeyman plumber.

All persons engaged in the business of plumbing, whether as a master plumber, employing plumber, or journeyman plumber, in the City of Houston, shall submit themselves to the Board for examination, and in default of so doing, it shall be unlawful for them to engage in the business of plumbing, unless and until examined and licensed.

The Board shall issue a license to such persons only as shall successfully pass a required examination; but are required to issue license to all persons who shall successfully pass the required examination, and shall not deny a license to any person who has successfully passed the required examination, because of any other fact or consideration. Master plumbers, journeymen plumbers, employing plumbers, and plumbers generally, not residents of the City of Houston, but coming here for the purpose of doing work, shall be entitled to receive a license on standing the required examination.

If such persons exhibit a license in force issued by any lawfully organized Examining and Supervising Board of Plumbers in the State of Texas, license shall issue to such persons without examination, said license to terminate at the date of termination of the license they already hold, not to exceed one year from date of application to the Houston Board.

Examination of drain layers by the Board shall not be required.

The Board shall register in a book to be kept for that purpose the names and places of business of all persons to whom a plumbers' license is issued.

They shall not issue license for more than one year, but the same shall be renewed from year to year upon proper application.

Each applicant for examination for plumbers' license shall pay to such person as the Examining and Supervising Board

of Plumbers may designate to receive the same, the sum of Three Dollars (\$3.00) for each master plumber examined, and the sum of Two Dollars (\$2.00) for each journeyman plumber examined, which fees may be used by said Board to defray any of its legitimate expenses, the residue, if any, to be paid over to the Treasurer of the City of Houston.

Members of the Examining and Supervising Board of Plumbers shall receive no compensation for their services on said Board. Said license shall be non-transferable and said examination and examination fee shall not be required of the same person more than once. (Id.)

Sec. 1078. Shall Have Examining and Supervising Board License; Bonds—No license shall be issued for the City of Houston by the City Engineer to any plumber, unless he shall first exhibit to the City Engineer a lawful license in full force and effect issued by the Examining and Supervising Board of Plumbers of the City of Houston, nor until he has given a good and sufficient bond, satisfactory to the Mayor of the City of Houston, as follows: (Id., Sec. 3.)

Each master plumber shall give a bond in the sum of Two Thousand Dollars (\$2000.00), and each drain layer shall give a bond in the sum of One Thousand Dollars (\$1000.00); said bond shall be conditioned upon the faithful performance and observance of all ordinances of the City of Houston pertaining to plumbing and drain laying, or excavations, and all rules and regulations and specifications established under said ordinances, and conditioned further, that said plumber or drain layer will indemnify and save harmless the City of Houston and all other persons against all accidents and damages caused by any negligence in protecting the work, or by any unfaithful or unskilled work done by themselves. (Amendment Jan. 21, 1914.)

Said bond shall be for the benefit of any person aggrieved or injured by reason of failure to properly observe the ordinances of the City of Houston in the execution of said work.

Said bond shall be renewed on the first day of March of each successive year, or sooner on demand by the Mayor. And if a firm or corporation be engaged in a plumbing or drain laying business the actual work of plumbing can be done only by some person licensed by the Examining and Supervising Board of Plumbers, and holding a valid license issued by the City of Houston through the City Engineer, after giving the bond required by law.

The City Engineer shall issue no license to a drain layer until he has first given the above bond, and satisfied the Engineer of his competency. (Id., Sec. 3.)

Sec. 1079. Filing of Plans—(a) It shall be the duty of every plumber and drain layer before commencing the construction of new or reconstruction of old work to file in the office of the City Engineer duplicate plans of all work expected to be done, showing the course and grade of all drain pipes, course and location of all soil, waste and vent pipes, the arrangement and connection of all fixtures, the position of all traps and the manner of ventilating them and such other and further details as the City Engineer may require.

Plans to Be O. K.'d by Plumbing Inspector—(b) It shall be the duty of said Engineer to refer said plans to the Plumbing Inspector for his opinion, and to examine said plans, and if he approves same, he shall put his O. K. and signature upon one copy of said plans and return same to the party filing same, and shall file away in the archives of his office the duplicate copy for reference, and shall issue a permit for doing this particular work.

Application to Be O. K.'d by Water Department—(c) But if the work in any way affects the Water Department the Engineer shall in no case issue the permit, unless and until the applicant first exhibits to the Engineer a permit to do the particular work from the Water Department.

Plans Shall Not Be Changed, Except—(d) Any plumber or drain layer who shall make any material variation in the work done under said approved plan without first having submitted same to the City Engineer for approval, and without having secured said approval, shall be guilty of an offense.

Plumbing or Drain Laying Work Without Permit an Offense—(e) And any person who shall do any plumbing or drain laying work, for which particular work a permit has not been issued by the City Engineer, shall be guilty of an offense.

Must Have Water Department Permit—(f) Any plumber or drain layer doing work on any water pipe or connection must procure a permit from the Engineer's Department, and the City Engineer shall in no case issue a permit for any work in any way affecting the Water Department until the applicant shall first exhibit to the Engineer a permit for the particular work from the Water Department, and if any plumber shall do such work without first procuring said permit from

the Water Department, he shall be guilty of an offense. (Id., Sec. 4.)

Sec. 1080. Must Show Permit and License—(a) It shall be the duty of every person doing work as a plumber or drain layer in the City of Houston to show his certificate issued by the Board of Examiners, as hereinbefore provided, and his city license and permit to any inspector of plumbing, sanitary policeman, or regular policeman, who shall ask to see same.

Certificate and License—When Canceled—(b) Said certificate and city license shall specify the kind of work the person is entitled to engage in, whether plumbing or drain laying, or both. Said certificates and city license shall remain in full force and effect (except when otherwise specified in this article) one year from date issued, unless sooner suspended or canceled by the Board of Examiners or City Engineer, and said Board of Examiners and City Engineer are hereby authorized to cancel and recall the certificate, or the city license, respectively, of any plumber or drain layer who has been twice convicted of violation of the plumbing ordinances of said city, or who shall refuse to do any specific job of work in accordance with the plans and specifications O. K.'d by the City Engineer. No work done by any plumber or drain layer without having first procured a permit therefor shall be accepted by the City Engineer or Chief Inspector of Plumbing. But it shall be the duty of said City Engineer or Chief Plumbing Inspector to report each and every such case to the Mayor and also to the person for whom said work is being done. (Id., Sec. 5.)

Sec. 1081. Shall Have Deposit With City Assessor and Collector to Cover Inspections—(a) It shall be the duty of every licensed plumber or drain layer to deposit with the City Assessor and Collector of Taxes, not to be returned except on the written order of the Engineer, a sum sufficient at all times to pay the fee of inspection of work to be done by such plumber or drain layer, and also the amounts provided for in Regulation 101 herein. For each inspection the sum of One Dollar (\$1.00) will be charged against the deposit, and the City Engineer shall be the judge of the number of inspections to be made.

No permit shall be issued to any plumber or drain layer for any particular job of work until said deposit has been made to the satisfaction of said City Engineer.

Notify City Engineer When to Inspect—(b) It shall be the duty of all plumbers and drain layers to notify the City

Engineer when the work is ready for inspection, and no work shall be covered up or concealed until it is inspected and accepted by said Engineer.

Covering Up Work Not Inspected, an Offense—(c) And any plumber or drain layer who shall do work and shall cover up and conceal same without having notified the City Engineer and without having had said work inspected by him shall be guilty of an offense.

Work—By Whom Done—(d) All work must be done by the plumber or drain layer in whose name the permit is issued, and when the work is done by a firm or corporation the permit must be issued in the name of the person doing the work for said firm, who must be a regular licensed plumber.

City Engineer's Blank Must Be Used—(e) All permits must be upon blank forms furnished by the City Engineer and shall be written with ink and shall give a clear description of the property to be drained, and the drains to be constructed and the list of vaults, water closets, sinks, down-spouts and all other fixtures to be connected therewith, a copy of which permit shall be retained by the City Engineer and filed along with the plans of the work authorized to be done under said permit. (Id., Sec. 6.)

Sec. 1082. Plumbers, Etc., Without License, Etc., Shall Not Be Employed, Etc.; Water May Be Cut Off—That it shall be unlawful for any person, firm or corporation, or agent, receiver or trustee, to cause or permit any job of plumbing or drain laying or make any connection with, or opening into, any private or public sewer or lay any drains or do any plumbing in connection with any property owned, managed or controlled by such person, firm or corporation, agent, receiver or trustee, unless the plumber or drain layer doing said work has been licensed and registered as required by the ordinances of the City of Houston, and has received a permit from said city as by ordinance required to do said particular plumbing or drain laying work, and any person, firm or corporation, agent, receiver or trustee, causing or permitting any such work to be done in violation of the provisions hereof, shall be guilty of an offense, and in addition to such penalties as are imposed by ordinance the City of Houston shall have the right to cut off the water supplied to such property by it through its pipes and to refuse to turn on and furnish water to said property until the violations of this section have been corrected to the satisfaction of the Plumbing Inspector and Water Commissioner. (Feb. 19, 1914; Ord. Bk. 4, p. 171, Sec. 1.)

Sec. 1083. City Shall Have Right to Connect With Private Sewers—The city shall have the right at all times, through the City Engineer or Chief Plumbing Inspector, to connect with and use any private sewer built upon any public street, alley or highway, to use the same for any public purpose, or to reconstruct or close up or disconnect any private sewer which may from any cause have become a nuisance. (Oct. 24, 1910; Ord. Bk. 3, p. 1, Sec. 7.)

Sec. 1084. Deposits, Etc., in Sewers, Etc., Prohibited; Connections by Slaughter Houses, Etc.—(a) No person shall deposit or throw into any sewer, manhole, catch basin or flush tank, or into any private drain connecting with public sewer, any straw, hay, shavings, tinner's scraps or refuse of manufactories, ashes, rags, garbage or any other substance which may cause the sewer or drain to become stopped. No slaughter house, rendering establishment, chemical works, steam engine or exhaust of boilers, by which, in the opinion of the City Engineer, anything will be discharged into sewers, tending to injure them, or to cause obstructions or a nuisance, shall be connected with the public sewers, except through a catch basin, or in some other manner that will prevent injury to the sewer.

Manholes Not to Be Used as Water Closet, Without Permission, Etc.—(b) No manhole shall be used as a water closet without permission from the City Engineer or Plumbing Inspector, and then only by complying with the rules and blue prints on file at the office of the City Engineer. (Amendment March 9, 1914.)

Sec. 1085. Obstruction to Sewer—If the drainage discharged from any slaughter house, chemical works or manufacturing establishment shall form a deposit obstructing a sewer, or if ashes, manure, rags or any other substance thrown into a sewer or sewer inlet shall choke or obstruct the same, the City Engineer shall immediately remove the obstruction, and shall certify an account of the cost to the person or persons causing the obstruction, and if said person or persons shall neglect or refuse to pay said sum so certified to into the city treasury within five days after demand, he or they shall be guilty of an offense, and in addition thereto the City of Houston, in any court having jurisdiction, may recover the amount of cost thereof, including a reasonable amount as attorney's fees. (Oct. 24, 1910; Ord. Bk. 3, p. 1, Sec. 9.)

Sec. 1086. When Engineer Has Power to Stop, Etc., Discharges Into Sewers—The City Engineer shall have the power to stop and prevent from discharging into any public sewer any private sewer or drain through which substances are discharged that are liable to obstruct or clog the public sewer or in any manner injure it, and to that end may, after five days' notice to owner or owners thereof, disconnect any such private sewer or drain, and it is made his duty to do so. (Id., Sec. 10.)

Sec. 1087. Down Spouts, Etc., Not Permitted to Connect With Sanitary Sewers—No down-spouts, yard or street drains or street gutters will be permitted to connect with the sanitary sewers. (Id., Sec. 11.)

Sec. 1088. Privy Vaults, Etc., Must Have Flushing Arrangements—All privy vaults or water closets connecting with the public sewers must have flushing arrangements connected therewith, and if not provided after ten days' notice it shall be the duty of said Engineer or Inspector to disconnect same. (Id., Sec. 12.)

Sec. 1089. Inspections of Manholes, Catch-Basins Monthly—The City Engineer will make, or cause to be made, by a competent inspector, a thorough and complete inspection of all sewers, manholes and catch-basins at least once every month, and shall make a written report to the Council, showing the condition of sewers, manholes and catch-basins, at the first regular meeting in each month, a copy of which shall be kept on file in said Engineer's office.

Such report shall state the number and character of obstructions found in sewer pipes, if any, and the cost of removing such obstructions. He shall keep and maintain, in proper books, a complete record of all matters pertaining to the maintenance of the public sewers, and shall at the end of the fiscal year make a full report of the same to the Mayor and Council. Such report shall show the total number of private house connections with the public sewers, and the number of such connections made during the year. (Id., Sec. 13.)

Sec. 1090. Septic Tanks—That it shall be lawful to construct sanitary septic tanks in those portions of the City of Houston not within three hundred (300) feet of any sanitary sewer, provided, that in the construction of any such tank, plans and specifications for the same shall be submitted to the office of the City Engineer showing the location and size of

same and the number of persons it is designed to serve, and a duplicate of said plans and specifications shall be filed with the City Engineer as in other applications for permits.

Provided further, that before the construction of said septic tank is begun a permit therefor shall be obtained from the office of the City Engineer.

Said septic tank herein provided for shall be abandoned and discontinued as soon as sanitary sewer connections are available and whenever there is a sanitary sewer within three hundred (300) feet of said septic tank, connection therewith must be made; provided, that should any septic tank become a nuisance through negligence on the part of the owner or lessee, that same shall be remedied by the owner or lessee thereof, and in case of failure by the City Health Department at the expense of said owner or lessee; and provided further, that the Sanitary Police Officers are hereby authorized to inspect said septic tanks periodically and to report the condition of same to the Chairman of the Health Department, or City Health Officer; and provided further, that said septic tank shall be discontinued at any time if in the opinion of the City Health Officer, or of the City Council, it is advisable so to do; and such tanks, when constructed, must be subject to such discontinuance by the City Health Officer or by the City Council. (Id., Sec. 14.)

Sec. 1091. Special Provisions Affecting Water Department:

Unlawful to Turn on Water—(a) It shall be unlawful for any person to turn on the water to any premises from which the supply has been turned off by authority of the City of Houston, without first having obtained a permit to do so from the Water Department of the City of Houston.

Water Department Only to Give Permit—(b) No person, other than the properly authorized agents of the Water Department, shall be permitted to tap or make any connection with the mains or distributing pipes of the Water Works. No persons shall make any attachments or connections to the pipes belonging to Water Works or the pipes belonging to water consumers, nor make any repairs or additions to or alterations in any tap, pipe cock, or other fixture connected with the service water pipes, unless he shall have a written permit from the Water Department.

Must Report to Water Department Within Forty-Eight Hours—(c) Within forty-eight hours after completing any

attachment or connection, or making any repairs, additions or alterations, the plumber shall make a true return, in writing on permit, of all the work done by him under such permit, and file same in the office of the Water Department.

Water Department's Control of Pipes, Etc.—(d) That part of the service connection extending from the main to the curb, including the corporation cock, lead pipe, galvanized pipe, stop-cock and stop-cock box, and also the meter and meter-box, continues under the control of the Water Department, to be maintained by the Water Department, and cannot be removed, repaired or tampered with except by order from the Water Department.

Pumps Shall Not Connect With Mains—(e) In all cases where private pumps are connected for the purpose of increasing the velocity or pressure of the water they will not be permitted to draw direct from the main. Such pumps must take the supply from a reservoir into which the water has already been delivered by ordinary water works pressure.

Damage to Meters by Hot Water, Etc.—(f) In all cases where boilers or hot water tanks are supplied, the plumbing shall be done in such manner as will prevent the hot water from backing into the meter. The owner of the premises will be held responsible for all damages to meters resulting from hot water backing up into them.

Stop-Cocks and Connections—(g) All water connections shall be provided with a stop-cock, placed within a cast iron box, leading from the same to the surface of the sidewalk; the cover of which box shall have the word "Water" thereon, and the same shall be placed in the sidewalk, within one foot of the line of the curbstone, so that the word "Water" can be read from the sidewalk, but such work must be done by the Water Department only. Feed pipes for each premises must be equipped with an additional private stop and waste-cock for draining the premises to prevent freezing and for turning off water for repairs to defective plumbing.

Fixtures and Stop-Cocks, Must Be Approved—(h) All stop-cocks and other fixtures used by plumbers must bear the maker's trademark or name, and same shall be subject to the inspection and approval of the Water Commissioner.

Valves for Water Troughs, Etc.—(i) Water troughs must be provided with a float valve to prevent overflowing, and the owners of troughs must keep the same in good working order.

Must Not Use Fire Service Pipes—(j) Service pipes intended for fire protection or for supplying power for elevators or other hydraulic motors, must not be tapped or used for the general supply of the premises; such supply must be taken through a separate service pipe.

Fire Service Pipe—When Not Permitted—(k) No service pipe for fire protection will be allowed in premises that do not also have a pipe for the general supply of the same.

Service for Elevators, Etc.—(l) All service pipes for supplying hydraulic elevators, or other large motors, must have suitable air chambers attached thereto for the purpose of preventing water-ram in the pipes. And the owners or users of such elevators or motors must keep the same in good repair, so as to prevent all leakage or waste of water. They shall also, at their own expense, have placed in all service pipes intended for supplying hydraulic elevators or other hydraulic motors, water meters that shall record accurately the quantity of water used, and such meters shall be approved by the Water Commissioner.

Water to Be Used Only as Application Asked For—(m) No person shall apply water to any use different from that named in the written application for water nor shall any consumer supply water to other persons or to other families, or suffer them to take water except for use on the premises for the purpose specified in the application, nor shall any person, after water is introduced into any building or upon any premises, make or employ any plumber or other person to make, nor shall any plumber make any tap or connection with the works upon his premises, for altering, repairing, extensions, or attachments, without a written permit from the Water Department, specifying the particular change to be made and a permit from the City Engineer.

No Connections Made Only on Order of Water Department—(n) No person shall in any case make connections with the supply pipes of another consumer of water unless, first, connection is made with the consent of the owner of the supply pipe, and unless, second, such connection is made on the sidewalk, or in the street, and not on the premises of the owner of the supply pipe; nor shall such connection be made in any case except on written application to the Water Department, signed by the person desiring to make same, and on the permit from the Water Department of the city; and a permit also from the City Engineer.

When Water Can Be Turned On—(o) Before water can be turned on to premises permanently, the owner of property must show to the Water Department a written order from the Plumbing Inspector, which shall state that the plumbing has been completed in strict accordance with the ordinances of the City of Houston, and is ready for the water to be turned on; any person turning on the water, or procuring another person to turn it on, without this order from the Plumbing Inspector, shall be guilty of an offense.

Violations of Provisions This Section an Offense—(p) Any person violating the foregoing provisions and requirements of this section, or any of them, or any part of same, shall be guilty of an offense. (Id., Sec. 14a.)

Sec. 1092. Regulations Governing Construction and Materials to Be Used in, Sewers, Drains, Plumbing, Etc.:

Sewer Pipes to Be Laid in Direct Line, Etc.—(1) In laying sewer pipes the plumber or drain layer shall lay them in a straight direct line from the opening in the city main or private sewer to the end of the house drain.

How Sewers Shall Be Laid—(2) All sewers shall be laid with the greatest possible fall from the end of the house drain to the main, or private sewer opening, and no line shall be laid with less than two per cent grade. All changes of direction must be made with Ys and one-eighth bends. The sewer pipe shall be vitrified earthenware, hard burned, glazed and free from defects and cracks. Bowed or curved joints shall be termed defective. All pipes shall receive spigot ends with a clear space all around of at least three-sixteenths of an inch.

Ditches Graded—(3) All ditches must be properly bot-tomed to a perfect grade before sewer pipe is laid. No sewer shall be laid on made or filled ground in bottom of ditches or otherwise, except as hereinafter mentioned. When sewer ditches are cut through filled or made ground the pipe shall be laid on 2x10 cypress plank with piling at least eight feet centers and of sufficient length to sink deeply enough in the ground to make a solid foundation.

Ditches—Back Filling—(4) The back filling must be properly and solidly tamped under the pipes and at its sides and to the height of twelve inches above it.

Tile Pipes—Where Used—(5) No earthenware pipe shall be used nearer than four (4) feet from the outside of the foundation or outer wall of any house either approaching or parallel with such wall, or across ditches when suspended, and in

no instance will the tile sewer pipe be allowed under a house of any kind. Where tile sewers exist now, or did exist before the passage of this ordinance, under houses or buildings, or passing through property, or connecting adjoining premises to a public or private sewer, and other buildings or structures are to be erected over said tile sewer, such erection shall be governed by the following: (a) The sewer must be in good condition and not less than 2 feet 6 inches under ground at the shallowest point under the building; (b) Only one connection will be permitted from the new or remodeled structure to said sewer and this connection must be made at some convenient point, either outside or under the building, and other branches run shall terminate at this one central point only. (c) Such connections and such sewer will be governed by all other conditions required by this article. (Amendment March 9, 1914.)

Sewer Connections—Separate—(6) Every building shall be connected with a public sewer where there is any such sewer in the street or alley adjoining such building or within three hundred (300) feet thereof. Where two or more buildings are located on one lot fronting 125 feet or less on street, and this lot is owned by one party, one sewer connection to city main may be used for all; otherwise each building shall be independently connected, but in such cases the common stem running to city sewer and to which the sewer from each house connects, shall in all cases, where possible, be run in the sidewalk.

Sewer Connections, How Made—(7) No person shall cut, tap or cause to be cut or tapped, any public or private sewer in which there exists a branch or junction opposite to the building, lot premises, or establishment to be connected. Information concerning the location and depth of public and private sewers, and the position of branches or junctions will be furnished when requested by the City Engineer. All reasonable care will be taken to insure the correctness of such information, but such information will not be in any case guaranteed.

Sewers; Covering, Etc.—(8) No part of such drain constructed of tile shall be less than one and one-half feet below the surface of the ground, except on private property where there is no wagon traffic over same, which then may be laid with one foot covering, including street ditches.

Such parts as are laid at the less depth must be made of extra heavy cast iron pipe with joints made as hereinafter prescribed for soil pipe, but in all cases where sewers are laid in the streets, avenues or alleys, they shall be at least one and

one-half feet in depth below the surface, and an EXH cast iron increase must be used when cast iron pipe receive spigot ends of tile sewer pipes or house drains. (Amendment March 3, 1914.)

Sewer; Final Connection—(9) No such drains shall be finally completed so as to admit the waste of the building to reach the public or private sewer until the plumbing in the building to be connected has been approved and passed by the City Engineer or Plumbing Inspector as being in full accordance with the rules herein set forth.

Sewer; From One Lot to Another—(10) No person shall run or cause to be run a sewer through from his lot or portion of a lot or from any structure thereon, and connect with a sewer on or from another person's lot, unless permission is granted by the City Engineer and by the owners of such other lot.

Sewer Connections; When Compulsory—(11) The property owners who own real property within the distance of three hundred (300) feet of any public main or lateral sewer, shall, upon notice in writing from the City Health Officer, make proper and permanent connection with said sewers, and remove all surface privies and cesspools; and any person owning such real property who, after being given reasonable notice by order of the City Health Officer, shall fail to connect with said sewers, or remove or fill up such privies or cesspools, shall be guilty of an offense, and each day such failure shall continue shall constitute a separate offense.

Sewer Connections, When No Y Exists—(12) Whenever it shall have been positively ascertained that no suitable inlet exists to serve the property concerned, and if the public or private sewer be a pipe sewer, 6, 8, 10 or 12 inches in diameter, the connection shall be made either by a cast iron saddle, approved by the Plumbing Inspector, or by taking out a length of pipe and substituting therefor a "Y" branch of a proper size, the manner of making each connection to be as directed by the Plumbing Inspector.

Sewers; When Tapped—(13) If the public or private sewer has a diameter of fourteen (14) inches or more, the plumber or drain layer shall cut a hole of the least practicable size in the sewer, and the connection shall be made by means of a connecting thimble of the same size and material as the house sewer and of such length that the hub shoulder thereof shall rest against the outer surface of the sewer and no portion extending within it.

Sewer Joints, How Made—(14) All joints shall be made with Portland cement, or its equal, not more than two parts sand being used to one part cement. All joints must be made by first inserting a swab of the full diameter of the pipe, the bell shall be filled to the spring line with cement mortar, the spigot end properly inserted in the bell, the joint to be cemented on the outside to a bevel finish at the end of the bell and the swab drawn out and the pipe cleaned.

Sewer Connections on Deep Sewers—(15) On deep sewers of more than seven (7) feet depth the stack or vertical when meeting a new grade shall be run in a recess cut in the side of the ditch to insure against its settling or buckling.

Sewer Permits on Job—(16) The man in charge of the sewer ditch must be present when the work is inspected and have all permits with him. He must have a good level and line, and must give such necessary information as may be required of him.

Sewers Covered Before Inspection—(17) No person shall cover, or cause to be covered, any house sewer, or other connection with a public or private sewer, without due inspection and approval of the same by the City Engineer or Plumbing Inspector. If this is violated the said Engineer or Inspector shall make the excavation necessary for the examination at the expense of the plumber or drain layer, whose license shall be suspended by said Engineer until said expense is paid and for such longer period as the Board of Examiners may direct, and who shall be subject to prosecution for violation of the ordinance as herein otherwise provided.

Traps for House Sewers—(18) A running or "P" trap of form approved by the City Engineer or Plumbing Inspector shall be placed on every house sewer on the inside or outside of the foundation wall. It shall be provided with a cast iron vertical brought to the surface, closed at the upper end with a cleanout plug.

Fresh Air Inlet—(19) A fresh air inlet must be connected with the house drain just inside the house-trap. Where under ground must be of cast iron. It must extend to the outer air and finish with a return bend at least one foot above the grade and ten (10) feet away from any window or cold air box. When this arrangement is not possible, it may be brought through the curb and having a grating not less than six (6) inches in diameter.

If the house sewer trap be of terra cotta, the fresh air inlet shall be terminated with a length of cast iron pipe not less

than four (4) inches in diameter. Any terra cotta fresh air inlets removed for cleaning or repairing of trap, shall be replaced as provided in new work. The main trap on what is known as the South End Sewer Extension may be omitted on request of the owner or agent.

Sewers—When Defective and Roots of Trees—(20) Whenever a house sewer or drain is obstructed with tree roots or found broken or defective, so that the sewage or drainage escapes therefrom into the surrounding soil or into the adjacent premises, the Engineer or Inspector of Plumbing shall condemn such sewer and order its repair or replacement. If the defective sewer is of terra cotta he may direct its replacement with cast iron to an extent conformable with these rules and regulations.

Sewers—Deposits Prohibited—(21) It shall be unlawful for any person to dump or place night soil, garbage, butchers' offal, dead animals or obstructions of any kind whatsoever in any sewer of the City of Houston.

Sewers—Water Backing Into Premises—(22) All permits for connecting with public or private sewers are given on the condition that the owner takes all risk of damages that may result from water setting back into premises from sewer; and in order to prevent as much as possible the setting back of water, a self-acting or other valve shall be used.

Stacks—When Compulsory—(23) There must be at least one four-inch stack on every independent connection with main sewer.

Drain Layer's Duties—(24) The holder of a sewer or drain layer's license shall be authorized to lay, clean out or repair sewer drains, including connections with public or private sewers.

Architects to Notify Plumbing Inspector—(25) For the best interest of all parties concerned, the architects are required to notify the Inspector of Plumbing whenever they have any plans completed for buildings to be erected in the city, so that the Inspector may examine the plans and approve or alter them before the plumbers figure on the plumbing work.

Unreasonable Delay in Work—(26) Bad faith or unreasonable delay in the performance of plumbing work shall be deemed a sufficient reason for subjecting the plumber so offending to a suspension of his license, and every plumber shall be held responsible for the violation of these regulations by laborers and helpers employed by him.

Yard Closets—(27) Yard closets shall be placed in suitable buildings that are set upon a firm foundation at least 4x4x8 ft. high. The use of old and dilapidated box closet houses for this purpose is prohibited, unless they conform to this subdivision. (Amendment Mar. 9, 1914.)

Soil, Waste and Vent Pipes—Where Placed—(28) All cast iron soil and waste pipes underground and all such pipes in buildings over three (3) stories in height, carrying discharges from water closets and waste from other fixtures, must be extra heavy with corresponding fittings. In buildings less than three stories in height, the aforesaid pipes may be of quality known as standard, with extra heavy hubs. This section will not be so construed as to prevent the use of standard cast iron pipe in the ground for residences, barber shops, saloons, yard closets or additions to plumbing in old buildings where not more than 20 feet of pipe is necessary to make an extension. (Amendment Mar. 9, 1914.)

Pipes on Outside of Buildings—(29) Written permission will have to be obtained for the placing of soil, waste, or vent pipes on the outside of buildings.

Vent Pipes—Termination—(30) When soil, waste or vent pipes receive the discharge of fixtures on any floor above the first, they must be extended in full calibre at least two feet above the roof and well away from all shafts, chimneys, windows or other ventilating openings. Pipes opening within twenty (20) feet of any window shall be carried up and continue above the main roof, and every stack in buildings of seven or more stories shall be full size throughout.

Pipes—Soil and Waste Qualities—(31) All cast iron soil and waste pipes under ground and in buildings over three (3) stories in height, carrying discharges from water closets and waste from other fixtures, must be extra heavy, with corresponding fittings. In buildings less than three stories in height, the aforesaid pipes may be of quality known as standard, with extra heavy hubs. This section will not be so construed as to prevent the use of standard cast iron pipe in the ground for residences, barber shops, saloons, yard closets, or additions to plumbing in old buildings where not more than 20 feet of pipe is necessary to make an extension.

Fittings—Quality and Grade—(32) All fittings used in connection with iron pipes shall correspond with them in weight and quality, and, if of wrought or malleable iron, shall be galvanized. Fittings on wrought iron soil and waste lines must be standard cast iron recessed and threaded drainage fit-

tings, tapped with a slope of one-quarter ($\frac{1}{4}$ -in.) inch to the foot for horizontal runs.

Cleanouts—(33) Proper sized cleanout fittings shall be installed at the foot of all stacks, changes of horizontal directions and ends of lines.

When cleanouts come under floors or grade lines they must be brought up flush with level of same. When cleanout comes within six inches of wall it shall be brought through same and up to grade line. All cleanouts must be left in plain sight and accessible at all times.

On soil or waste pipes four inches or more in diameter, heavy iron bodied brass cleanouts not less than four inches in diameter shall be used, all others to be the same diameter as pipes.

Fittings Approved—(34) Approved fittings shall be used for all connections in drains, soil and waste and vent pipes of iron or brass, and no iron drain, soil, waste or vent line shall be tapped.

Pipes to Be Sound—(35) All pipes shall be sound, cylindrical, smooth, free from all cracks, sand holes and other defects, and of uniform thickness.

Pipes—Standard—(36) Standard cast iron pipes and fittings shall be no less than one-eighth of an inch wall thickness, with extra heavy hubs.

Pipes—Extra Heavy—(37) Extra heavy pipes, when required by this article, must not be less than one-fourth of an inch wall thickness.

Pipes and Fittings—Coating—(38) All cast iron pipes and fittings shall be tar-coated inside and outside or with a coating equally as good.

Pipes—Wrought Iron Quality—(39) When wrought iron soil, drain or waste pipe is used in a building it shall be standard galvanized iron pipe, not less than one and one-half ($1\frac{1}{2}$) inches in diameter, and shall not be used under ground, except as herein provided for waste from condensers.

Pipes—Brass—(40) All brass and copper pipes used shall be drawn pipes.

Pipes and Bends of Lead and Quality—(41) Lead pipes, traps and bends shall be of the following dimensions and weights:

Diameter.	Weight per Lineal Foot.
1 $\frac{1}{4}$ inches	2 $\frac{1}{2}$ pounds
1 $\frac{1}{2}$ inches	3 pounds
2 inches	4 pounds
3 inches	5 pounds
4 inches	6 pounds

Pipes—Relieving Arch—(42) When a soil pipe or a house sewer passes under any masonry wall there shall be provided a relieving arch to prevent injury from settling of the walls, or there shall be built into the wall during its construction an iron pipe of not less than two (2) inches in diameter greater than the pipe proposed to be run.

Pipe Supports for Horizontal Runs—(43) Horizontal cast iron pipes must be supported every five feet by piers built of brick or concrete or suspended from joist or beams with hangers made of $\frac{1}{8}$ x1-inch wrought iron. Galvanized or wrought iron pipes must be supported every ten feet with hangers as specified for cast iron pipes.

Pipe Supports for Vertical Runs—(44) All stacks or vertical pipes must be tied or anchored at every second floor. When they run parallel or against the wall they shall be supported by clamps of $\frac{1}{8}$ x1-inch iron (made of galvanized iron) when outside of buildings, and securely fastened to the walls and placed at intervals not less than five feet for cast iron pipe and ten feet for wrought iron pipe.

Pipe Supports for Lead—(45) Lead pipes must be supported the entire length with a bridge of sufficient thickness to prevent sagging.

Pipe Supports Prohibited—(46) Pipe hangers made of wood, wire, or made of sheet iron, or that do not meet the requirements of this article, and the approval of the City Engineer or Inspector, will be rejected.

Fittings Accepted and Prohibited—(47) Short T-Y branches will be permitted on vertical lines only.

Long sweep one-quarter bends and long sweep T-Y's are permitted. Short one-quarter bends, double hubs and double hub fittings and common offset bands and saddles are prohibited on soil and waste pipes. All "T" joints are prohibited in waste pipes. The use of bands and saddles is prohibited.

Fittings and Joints to Be Sound—(48) All fittings, such as split fittings, sand holes, or porous fittings, or in any other condition than sound and whole, shall not be used in any soil, waste or vent pipes of any buildings, and shall be at once removed from the premises upon order of the Plumbing Inspec-

tor. No paraffine, rosin, coal tar, putty or gas fitter's or other cement will be allowed in making any joints or to cover defects.

Joints in Cast Iron Pipes—(49) All joints in cast iron, soil, waste or drain pipes shall be so filled with packed oakum and molten lead, and hand caulked, as to make them air and water tight. The quantity of lead used shall be 12 ounces of fine, soft lead for each inch in diameter of the pipe.

Joints in Screwed Pipes—(50) Joints on screwed pipe to be made of red or white lead and the burr formed in cutting carefully reamed out.

Joints for Lead and Iron Pipes—(51) All joints on lead pipes and between same and all other metal pipes shall be made with plumbers' wipe joints, using heavy brass soldering nipple or ferrules when the connections are with iron pipes. This clause shall not be construed so as to prevent the use of four-inch combination straight ferrules on all ground work.

Joints Prohibited—(52) No solder union, common malleable unions, or slip joints, made with union collar or otherwise, will be allowed in any soil, waste, vent or revent pipes, on the sewer side of the trap, except union connections that come with the traps and then only when in or below the seal of the trap.

Joints for Earthen Fixtures—(53) There shall be a lead or brass connection or proper flange at the floor joint of any fixture requiring same and the connecting joint shall be properly made up.

Waste for Acids—(54) Wastes from acid sinks shall be constructed of extra heavy cast iron pipe or "standard" cast iron pipe if enameled on the inside and tar-coated on the outside, or of vitrified earthenware pipe.

Traps for Bar Wastes—(55) Sinks under bar counters, soda fountains, and all drains, such as pumps, refrigerators, creamery and milk-room wastes, etc., may be connected indirect through a four (4) inch cast iron trap, or to a catch-basin properly trapped, with suitable iron cover.

Blow-Off Tank for Boilers—(56) No person shall make or cause to be made or maintained any connection through which steam, hot water, or other hot liquid, or hot gases, or vapors, may be discharged into any public or private house sewer or appurtenance thereof, except through a condensing tank of dimensions and construction approved in each case by the City Engineer or Plumbing Inspector in advance of the performance of the work. The discharge pipe of the condenser must connect with the sewer on the sewer side of the house trap.

A vapor or relief pipe of ample size shall be carried from the tank to chimney stack or above the roof. All pipes to be wrought iron, steel, or cast iron with rust or screwed joints. In low pressure steam or hot water systems the condensing tank may be omitted, but the waste connections must be otherwise as above required, or else discharged into open tank or sink supplied with water.

Traps for Houses Where No Sewers Exist—(57) All waste pipes other than the discharge from the water closets, in buildings not accessible to the sewer, shall have a grease trap located outside the house line of sufficient size as per plans in the office of the City Engineer, before they discharge into the street.

Traps Prohibited and Floor Drains—(58) Where floor drains are connected it shall be by the means of a deep seal trap. Bell traps and traps having covers over hand-holes on the sewer side of the traps held in place by lugs or bolts are prohibited.

Waste Pipe Sizes for Fixtures—(59) Waste pipes shall have the following dimensions:

Water closets	4	inches
Slop sinks	2	inches
Bath tubs	1½	inches
Sitz bath	1½	inches
Foot bath	1½	inches
Shower bath	2	inches
(Pedestal urinals same size as manufactured openings.)		
(Each shower bath shall constitute one fixture.)		
Lavatory	1¼	inches
(Laundry tubs to count as one fixture.)		
Drinking fountains	1¼	inches
Floor drains in houses	2	inches
Urinal wastes	1¼	inches

Traps for Stables, Garages and Laundries—(60) Stable wash racks or any urinal receptacle in stables shall not be connected with any sewer drain or lateral, unless a suitable catch-basin suitably trapped with deep seal is provided to prevent the obstruction of said sewer drain or lateral by sediment or solids carried with the washings. Floor drains for automobile garages, laundries or cleaning establishments, or where gasoline or oils are used, or volatile fluids, are required to have a proper catch-basin, suitably trapped with deep seal, and vented with a proper sized vent pipe to the roof, according to detail in the Engineer's office or Plumbing Inspector's office.

Catch Basins and Floor Drains—(61) Sub-drains, if below sewer, should discharge into sump or receiving tank, the

contents of which must be lifted and discharged into the drainage system above the cellar bottom by some approved method. Where directly sewer connected, they must be cut off from the rest of the plumbing system by a brass flap valve on the inlet to the catch-basin, and the trap on the drain from the floor or other drains will only be permitted when it can be shown to the satisfaction of the Engineer or Inspector of Plumbing that their use is absolutely necessary and arrangement made to maintain a permanent water seal in the traps.

Fittings and Openings—How Plugged—(62) Openings for waste and vents for future connections must be plugged with metal plugs screwed or caulked, and when of lead will be soldered to make them air and water tight. The use of plaster of any kind for this purpose is prohibited.

Vents on Traps—(63) All traps must be protected from syphonage and back pressure, and the drainage ventilated by special lines of vent pipes. All vent pipe lines and main branches must be of iron, steel or brass.

Vents—How High Above Fixtures—(64) Each vent pipe shall be run separate above its fixture, in order to prevent its use as a waste.

Vent Pipes—Qualities—(65) All vents or revent pipes, when wrought iron pipe is used, must be galvanized iron of standard size.

Fittings on Vent Pipes—(66) All vents or revent fittings must be standard galvanized malleable or cast iron.

Vent Pipes—How Connected—(67) Each vent pipe shall be connected above the highest fixture into the adjacent soil pipe a distance therefrom not more than fifteen (15) feet. If more than this distance from the soil pipe it may independently extend above the roof.

Vent Pipes to Run Direct—(68) A vent line shall be, whenever practicable, a direct extension of the soil and waste line.

Vent Pipes—When to Be Connected at Bottom—(69) The main vent rises, having a length of fifteen (15) feet or more, must be connected at the foot into the main waste or soil line below the lowest vent outlet and with no greater angle of connection or of run than forty-five (45) degrees.

Trap Vents—How Made—(70) Trap revents shall be continuous where possible. Where the vent or revent pipes are continuous and traps are ventilated through the waste fittings, the center of the outlet of such fitting or lead "Y" branch shall

not be set below the water seal of trap; and the trap shall not be more than the following distances from the waste fitting:

1 $\frac{1}{4}$ -inch trap	15 inches
1 $\frac{1}{2}$ -inch trap	18 inches
2- inch trap	24 inches
3- inch trap	30 inches
4- inch trap	30 inches

Vent Pipe Sizes—(71) Sizes of main and branch vent pipes are to be increased as fixtures are added, as follows

Diameter inches.	Maximum Length Feet.	No. and Size of Traps-Vented.	
1 $\frac{1}{4}$	15	1 trap,	1 $\frac{1}{4}$ inch
1 $\frac{1}{2}$	25	1 or 5 traps,	1 $\frac{1}{4}$ inch or 2 inch
2	50	1 to 5 traps,	3 inch or 4 inch
2 $\frac{1}{2}$	75	6 to 9 traps,	3 inch or 4 inch
3	100	10 to 15 traps,	3 inch or 4 inch
4	150	16 to 25 traps,	3 inch or 4 inch
5	200	26 to 40 traps,	3 inch or 4 inch

Four (4) one and one-half (1 $\frac{1}{2}$) or two (2) inch traps shall be considered equal to one (1) four (4) inch trap. Where the main vent is of the same size as the soil line into which it is to be connected, and neither is less than three (3) inches in diameter, the soil line shall be increased one (1) inch at the junction and carried through the roof with the increased size.

Vents on Earthen Traps—(72) Earthenware traps for water closets or slop sinks must be ventilated from the branch soil or waste pipe just below the trap and this branch vent pipe must be so connected as to prevent obstruction, and no waste pipe connected between it and the fixtures. No horizontal vent line longer than two (2) feet shall be allowed beneath a floor adjacent to the trap of any fixture.

Vents on Water Closets—How Connected—(73) All water closets shall be vented through a T Y, A Y or a drainage fitting, or off the top of the horizontal part of the lead bend or above the upper line of horizontal part of the same, except for circuit venting and for top closets, as hereinafter prescribed. The revent of a single water closet shall not be less than two inches in diameter.

Vents on Water Closets—When Not Required—(74) Where there is but one water closet located on a stack and said water closet is three feet or less from the stack or in circuit venting, no back vent is required.

Vents—Loop and Circuit—(75) Loop or circuit vents when substituted for individual trap vents or water closets dis-

charging immediately into a horizontal branch and thence into a vertical soil line and three feet or less from said horizontal branch must be vented as follows: One to two closets, 2-inch pipe; three closets, 4-inch pipe; and for every three closets added thereafter, when the closets are less than six (6), nine (9), or twelve (12), a two-inch pipe must be used so as to equally divide the closets between the four (4) inch vents. Vents shall in all cases be taken off the top of the flow line with no greater degree or less angle than one-sixth or one-eighth bend pitch and between the two end closets.

Top Water Closets—(76) Where two water closets are located on the same floor and discharge into a double “Y” or double “TY” fitting and they are three feet or less from the stack and there is no other closet discharging into the stack above the double “TY” or double “Y” fitting, said water closets will be considered as the same as one top fixture and it will not be necessary to back vent either water closet, but this or any sub-section shall not be construed so as to prohibit the placing of one or two minor fixtures above the closets when on the same floor and such waste from said minor fixtures otherwise comply with these rules for waste and vent pipes.

Refrigerator Wastes, Size and Traps—(76½) The waste pipe from a refrigerator or ice box shall not be directly connected with any soil waste pipe or drain, or sewer, or discharge on the open ground. They shall discharge into a suitable trap as per sketch in the office of the Plumbing Inspector, or an open water supplied sink, or over a floor drain in a basement, and the discharge pipe shall be as short as possible, and the pan sink or drain shall be disconnected from the refrigerator by at least four inches and in no case shall they be permitted to be connected to sink waste pipe 2 inches or less in diameter.

Where refrigerators or ice boxes are placed in buildings on two or more floors, the waste and vent pipes thereof shall be continuous and run through the roof, and in no case shall the vent pipe open within six feet of an open soil or waste pipe. The size of waste pipes for refrigerators for two or less floors shall be at least 1½ inches, and two inches for three floors or under five floors, and 2½ inches for five floors and over. Each refrigerator or ice box shall be provided with a suitable trap with an accessible trap screw or cleanout, which cleanout shall be placed in the 1½-inch waste pipe and shall be as near as possible to the refrigerator or ice box. Such trap need not be vented. The requirements of this last paragraph are intended

to apply to flats and similar buildings, and are optional with the owners of residences. (Amendment Mar. 9, 1914.)

Vents on Bath Tubs—(77) All bath tub traps shall be continuous vented. When it is impossible to do so and when loop or circuit vent is used it shall be through a “Y” or “TY” fitting of not less than two inches in diameter; if crown vented, it must rise at least three inches above the flow line or waste and not more than two feet horizontal run below the floor or fixture.

Vents on Shower Baths—(78) Traps for shower baths when set in lines may be vented by an extension of the waste line by a loop or circuit vent and governed by table of rules for waste and vent pipes.

Vents on Flat Roofs—(79) Vents on flat roofs must be carried up even with top of fire walls. When said roofs are used as roof gardens, for laundry purposes or where people are to assemble the vent pipes must be carried up at least seven feet, or above the breathing zone. The termination of all vents passing through the roof shall be carefully flashed with copper, or sheet lead.

Vents Prohibited—(80) No down spout, sheet metal or earthenware or brick flue shall be used as a sewer ventilator or trap vent.

Traps—General Requirements—(81) No form of trap will be permitted to be used unless it has been approved by the City Engineer or Plumbing Inspector. All traps shall be provided with full size cleanout screws, plugs, covers or inlets which shall be removable for cleaning without disturbance of ground or floor, and must have a water seal of at least one and one-half inches. No lead trap of less than one and one-half inches shall be used. All traps must be well supported and set true with respect to their water seals. When brass traps are used they shall not be less than 11 gauge, Brown & Sharpe.

Fixture Traps—(82) Except as herein provided, every fixture in a plumbing or drainage system shall be separately trapped and vented. A group of three minor fixtures set in line in this case shall be considered one fixture and require but one trap of not less than one and one-half inches diameter. Traps shall be placed as close to the fixture as practicable, and in no case more than two feet distant from the waste outlet of the fixture. No fixture will have more than one trap.

Grease Traps—(83) All hotels, restaurants, boarding houses or other public cooking place, must have a suitable grease trap, the size, kind and numbers of which will be required according to the circumstances of the case, before any water from the kitchen sinks or receptacles of water containing grease shall discharge into the house drain or sewer.

When placed above the floor or ground shall be of cast iron, when placed in the ground they shall be built of brick and cement plastered inside and out with three-fourths inch of cement and sand of equal parts.

For ordinary dwellings or residences grease traps are not compulsory; where there is no grease trap, the waste must be connected into the soil pipe between the water closet and sewer with a pipe no less than two inches in diameter for horizontal run with a cleanout plug. In all changes of direction, grease traps, where they are installed on the floor or above the ground shall be made of brass, enameled cast iron or six-pound lead, size of which shall be at least twelve inches by twelve inches (12x12).

Anti-Syphon Traps—(84) An approved form of anti-syphon traps may be permitted in special cases where in the opinion of the City Engineer or Inspector, other form of ventilation is impossible.

Prohibited Traps—(85) Back water traps, bell traps, or traps having covers, hand-holes or cleanouts which are held in place by lugs or bolts, are prohibited. The intent of and meaning of "bolts" in this section does not exclude brass bolts when four or more are used to hold trap covers in place.

General Requirements for Fixtures—(86) Plumbing and drainage fixtures shall be constructed of non-absorbent material that is not easily cracked or broken, to which soil will not adhere so firmly that it can not be removed by a flush of water. Fixtures shall be set open, that is, perfectly free from enclosing woodwork or other casing that would cut off light and air. They shall be well supplied with water for flushing water closets and urinals. In public places the walls and floors where they are set shall be lined with some non-absorbent material.

Wooden Fixtures—Where Permitted—(87) Wooden wash trays, wooden troughs or sinks with or without metallic lining, shall be allowed only for bar sinks and soda fountain sinks. Dish sinks in hotels and restaurants must have metal linings.

Prohibited Fixtures—(88) Pan plunger and washout closets, lateral urine troughs, automatic closet ranges and long hoppers, short hopper closets are prohibited, except for yard closets only.

Prohibited Materials for Fixtures—(89) The use of galvanized steel, sheet metal, wood or any absorbent material for the use of urinal troughs or bowls is prohibited.

Condemned Fixtures—(90) The Inspector, with the approval of the Health Officer, may condemn and order the removal of any fixture that is defective or that does not comply with this article. No fixture shall be installed and no fixture shall be reconstructed or reinstalled where it does not meet with the requirements of this article.

Water Closets Away from Buildings—(91) Water closets which are located away from the buildings shall have a four (4) inch vent, ten (10) feet high, and to conform in other respects to plumbing ordinances and shall be placed on foundations approved by the Plumbing Inspector.

Tanks and Flush for Water Closets—(92) (a) Water closets must have separate tanks or separate flushing valves of approved patterns to discharge no less than four (4) gallons of water at one time.

(b) Urinals in public toilet rooms or saloons or other place where same are used by the general public, must have either chain or pull tank flushing valves of approved pattern to discharge enough water at one time to keep them in a sanitary condition; if automatic tanks are used, they must be kept in constant operation during business hours. The use of loose key or spring key cocks for this purpose is prohibited. (Amendment Mar. 9, 1914.)

Water Supply for Water Closets—(93) All water closets and other plumbing fixtures must be provided with a sufficient supply of water for flushing to keep them in a proper and cleanly condition. When water pressure is not sufficient to supply freely and continuously all fixtures, a house supply tank must be provided of sufficient size to afford an ample supply of water to all fixtures at all times. Such tanks must be supplied from pressure or by pump as may be necessary. Tank must be covered so as to exclude dust, dirt and gases.

Purity of Water for Fixtures—(94) The purity of water on all plumbing fixtures shall be equal to the purity of water supplied through the Houston Waterworks System.

Application for Inspection—(95) Application for inspection must be filed at the office of the Inspector of Plumbing by the plumber on blanks furnished by the city, before 9 a. m. for morning inspections and before 2 p. m. for afternoon inspections. No inspections will be made after 12 o'clock on Saturday.

Application for roughing-in inspection must be made when roughing-in is complete, and before any of the work is covered or made inaccessible to the inspectors.

For sewer inspections applications must be made when complete, and before the same is covered.

For final inspections, application must be made when all fixtures are complete and before the house drain is connected or any portion of the system is used.

Testing of Plumbing—(95½) All plumbing work must be tested by the plumber in the presence of the City Engineer or Inspector before it is accepted. When it is inconvenient or impracticable to test the entire work at one time, it can be tested in sections, but each new partial test must include all portions of the work tested previously.

Water Test—(96) All roughing-in tests must be made with water. For such testing the iron extension of the soil pipe outside of the foundation of the house shall be securely closed, as shall all branches, inlets and other openings of the work to be tested. The closing of joints and pipes must be sufficiently tight and strong enough to withstand the pressure of a column of water reaching the top of the pipe to be tested. The pipe shall then be filled with water to its top and shall stand so without perceptible lowering. If the water is lowered by leakage, the leakage must be found and made tight by the plumber, and the work shall not be approved by said Inspector until the water stands at the top of the pipe without perceptible lowering.

Final Test—(97) The final test must be made with peppermint or approved smoke machine after all fixtures are set in place and finished, by using two ounces of oil of peppermint to each three gallons of hot water, and an additional ounce of peppermint and gallon of hot water for each story above the three-story building, by first securely closing the bottom of house drain and filling all traps with water. The peppermint solution shall then be poured into the highest point of stack,

which, together with all other openings, shall be securely closed and remain closed until the Plumbing Inspector shall pronounce the entire system tight, perfect and free from leaks and other defects.

Certificate of Inspection—(98) That when the plumbing in a building is completed the plumber shall secure from the owner of such building a certificate of inspection of completion, signed by the City Engineer or Plumbing Inspector, certifying that the plumbing work has been properly done and inspected and tested as required by the provisions of these rules. It shall be the duty of the Engineer or Plumbing Inspector to issue such certificates.

Buildings Moved—(99) Buildings or structures that have been moved from one site to another, or changed from their original position, or when the premises have been visited by fire, will have to conform to the City Plumbing Ordinances before they are again sewer connected or put to any use whatever.

Table of Sizes for Soil and Waste Pipe—(100) The size of soil and waste pipe must not be less than those set forth in the following table. The horizontal lines are to be increased as fixtures are added, but verticals throughout their entire length are to have a diameter given by the total number of fixtures which discharge through them.

Twenty square feet of roof or yard area in horizontal projection counts as one fixture.

Three feet of urinal trough or wash sink counts as one fixture.

One bath, basin or small fixture counts as one fixture.

One pedestal urinal or slop hopper sink counts as two fixtures.

One water closet counts as four fixtures.

House Drains—Size Of—House drain shall be proportional as prescribed for branch soil and waste pipe, provided that in no case shall the house drain, draining soil pipes, be less than four (4) or more than twelve (12) inches in diameter.

Soil Pipe Stacks—In the table of soil pipe the number of fixtures and their equivalent:

Size of Pipe Inches	Soil and Waste Combined		Soil Pipe Alone	
	Branch	Main	Branch	Main
4	48 Fixtures	96 Fixtures	12 Water Closets	24 Water Closets
5	96 "	192 "	24 "	48 "
6	168 "	336 "	42 "	84 "
7	280 "	560 "	70 "	140 "
8	420 "	840 "	105 "	210 "
9	580 "	1160 "	145 "	290 "
10	800 "	1600 "	200 "	400 "
11	1060 "	2120 "	265 "	530 "
12	1420 "	2840 "	355 "	710 "

Waste Pipe Stacks—In the table of sizes of waste pipe the following notation of fixtures and equivalent shall be used:

Fixtures With—

1 $\frac{1}{4}$ -inch trap	counts as 1 fixture
1 $\frac{1}{2}$ -inch trap	counts as 1 fixture
2- inch trap	counts as 2 fixtures
2 $\frac{1}{2}$ -inch trap	counts as 3 fixtures
3- inch trap	counts as 4 fixtures
4- inch trap	counts as 5 fixtures

—Number of Fixtures—

Size in inches.	Branches.	Main.
1 $\frac{1}{4}$ waste	1	
1 $\frac{1}{2}$ waste	3 or less	3 or less
2 waste	10 or less	20 or less
2 $\frac{1}{2}$ waste	16 or less	32 or less
3 waste	30 or less	60 or less
4 waste	72 or less	144 or less
5 waste	144 or less	288 or less
6 waste	252 or less	504 or less

Size of Fixtures, Trap and Wastes—The size of the traps and waste branch for a given fixture shall never be less than as follows:

Size of Traps and Waste for Same—

Kind of Fixtures—	Size in Inches.	
	Trap.	Branch.
Water closet	3	4
Slop sink with trap combined	3	3
Slop sink ordinary	2	2
Pedestal urinal	3	3
Floor drain or wash	3	3
Catch basin	3	3
Urinal trough	2	2
Laundry tub (1 to 3)	1 $\frac{1}{2}$	1 $\frac{1}{2}$
Kitchen sinks	1 $\frac{1}{2}$	1 $\frac{1}{2}$
Pantry sinks	1 $\frac{1}{2}$	1 $\frac{1}{2}$
Wash basin, one only	1 $\frac{1}{4}$	1 $\frac{1}{2}$

Kind of Fixtures—	Size in Inches.	
	Trap.	Branch.
Wash basin, group of 2 or 3.....	1½	1½
Bath tubs	1½	1½
Shower baths	2	2
Sitz baths	1½	1½
Safe waste and drips.....	1	1
Drinking fountains	1¼	1¼
Fountain cuspidors	1¼	1¼

Each vertical soil line into which the water closets on two (2) or more floors discharge shall be extended full size through and above the roof or be connected full size in an approved manner into a line thus extended.

When No Revent on Water Closet Is Required—Where there is but one water closet located on a stack and the said water closet three feet pipe line or less from the stack, or in circuit venting, no back vent is required.

Deposits for Street Openings—(101)

Asphalt street	\$ 4.00	per square yard
Minimum deposit	25.00	
Brick street	3.25	per square yard
Minimum deposit	25.00	
Wood Block street.....	5.00	per square yard
Minimum deposit	25.00	
Cement street	3.00	per square yard
Minimum deposit	25.00	
Gravel or Shell street.....	1.25	per square yard
Minimum deposit	25.00	
Dirt street25	per square yard
Minimum deposit	10.00	
Permit fee for above, 50c.		

Fees for Inspection—No inspection less than One Dollar (\$1.00).

For 25 fixtures or less, 50c per fixture.

Over 25, up to 50 fixtures, 25c per fixture.

Over 50, 10c per fixture.

Waste Openings Listed as Fixtures—Each waste opening for future connection and bell traps will be listed as fixtures.

Definition of Terms—(102) Inspector—When the word “Inspector” is used without prefix or suffix, it means Chief Inspector charged with the enforcement of the provisions of this plumbing ordinance and the rules contained therein.

Sewer—The term “sewer” is a general term for a system of horizontal piping used to convey the drainage from any building site to a main, public or private sewer.

Auxiliary Vent—An “auxiliary vent” is an additional vent stack assisting the main vent which passes through the roof independently.

Outside Water Closets—By an “outside water closet” is meant any closet that is installed in a building detached from the main building and not inhabited, or on the porch of a house where it is located in a room which has no door or other opening between it and the main house.

Private Sewer—That the term “private sewer” is a main or branch sewer located either on public or private property, not constructed or accepted by the city, which conveys the drainage of one or more buildings to its public outlet.

House Sewer—That the term “house sewer” or main drain, is a lateral or main drain of the horizontal piping of a house drainage system extending from the house drain to its connections with a main or private sewer, and conveying the drainage of one or more buildings located on the same lot.

House Drain—The “house drain” is that part of the horizontal piping of the house drainage system which receives the discharges of all soil, waste, or other drainage pipes inside the walls of any building and conveys the same to the house sewer or main drain on the outside of the foundation walls of such building.

Fixture or Fixtures—The term “fixture or fixtures,” when used in a general sense, applies to all receptacles which receive the house sewage or waste from which water is used as flux; when used specifically it means any of such receptacles, including water closets.

Traps—A “trap” is a device so constructed as to prevent the passage of air or gases through a pipe without materially affecting the flow of sewage or waste water therein.

Trap, Seal Of—The seal of the trap is the height of a water column measured between the point of overflow and the dip or division level separating the inlet and outlet arms of the trap.

Mains—The “main” of any system of horizontal, vertical or continuous piping is that part of such system which receives the discharge or back vents from fixture outlets, direct, or through branch pipes.

Branches—The “branch” of any system of piping is that part of the system which extends horizontally at a slight grade from the main to receive fixture outlets not directly connected with the main.

Stack—"Stack" is a general term for any vertical line of house drainage piping, inclusive of the main and its branches.

Soil Pipe—A "soil pipe" is any pipe which conveys the discharge of water closets, with or without other fixtures, to the house drain.

Waste Pipe—A "waste pipe" is any pipe which receives the discharge of any fixture except water closets, and conveys the same to the house drain or soil pipe.

Vent Pipe—A "vent pipe" is any special pipe provided to ventilate the drainage or plumbing system of piping and to prevent trap syphonage and back pressure.

Soil or Waste Vent—The "soil" or "waste vent" is that part of the main soil or waste pipe above the highest installed branch or fixture outlet connection extending through the roof.

Circuit Vent—A "circuit" vent is a system of venting by which the syphonage and back pressure on the seal of traps is prevented by extending the branch soil or waste pipes and connecting them with a main of an auxiliary vent stack, which vent stack, in conjunction with the main soil or waste vents, completes and forms a continuous air circuit or vent for each branch line so installed.

Loop Vent—A "loop vent" is a modified circuit vent where the branch or branches of soil or waste pipes on only one floor, having no other fixtures or branches installed above them, loop over above the flow line of fixtures and re-connect with the main soil or waste lines.

Continuous Vent—A continuation of the waste line with the vent standing vertical to the waste opening, and governed by Sub-section 70. (Id., Sec. 15.)

Sec. 1093. Penalties for Violations—Any person violating any of the provisions or requirements of this article, or any of the regulations therein prescribed, shall be guilty of an offense, and on conviction thereof shall be punished by a fine of not less than Five Dollars (\$5.00) and not more than Two Hundred Dollars (\$200.00) for each offense, and in case where plumbing or sewerage appliances prohibited by this article are used, it shall be a separate offense, both in the plumber or drain layer and in the owner of the property, for each day that said prohibited appliances are used after notice from the city to remove the same. (Id., Sec. 16.)

ARTICLE 1.

LAYING OF LATERAL SEWERS BY PROPERTY OWNERS.

Sec. 1094. Authority to Lay Upon Condition—Any and all persons or property owners who own or control property which is so situated with reference to any sewer in the City of Houston, as in the opinion of the City Council of said city or such officer as may be designated for the purpose, makes it practical to connect with such sewer, may at his or their cost and expense lay and construct lateral sewers in and along the streets and ways of the City of Houston to connect with such sewer upon the following conditions: (Mar. 3, 1914, Ord. Bk. 4, p. 223, Sec. 1.)

Sec. 1095. Permit to Lay; Cost Borne by Property Owners; Application for Permit—Such persons or property owners so constructing a sewer such as mentioned in the next preceding section shall before laying or constructing same obtain a permit so to do from the City Council of the City of Houston, or such officer as may be designated to grant such permit, and shall lay and construct the same at his or their own cost and expense and under the direction of the City Engineer of the City of Houston, or such other officer or person as may be designated to supervise and direct the laying and construction of same; provided, that no permit shall issue for the laying or construction of same unless and until the persons have signed an application agreeing to all the conditions in the following sections of this article mentioned. (Id., Sec. 2.)

Sec. 1096. Property Owners to Give Bond; Except—Such persons or property owners so constructing and laying such sewers as hereinbefore provided shall, before permit is issued, enter into a good and sufficient bond in any sum to be determined by the Mayor of the City of Houston, such bond to be conditioned that they will restore the streets, pavements, sidewalks and passageways of the city in and along which such sewers are laid and constructed to the same or as good a condition as they were before the beginning of any excavation for the purpose of laying and constructing such sewers; and said bond shall be further conditioned that the persons so laying and constructing such lateral sewers shall hold the city harmless from any and all injuries or damages resulting to third persons on account of the laying and construction of the same, and that they will pay off and discharge any claim, charge, damage or expense which may be established by judg-

ment or otherwise against the City of Houston on account of the laying and construction of the same; provided, that should such persons file with the City of Houston a contract properly entered into between them and some regularly licensed master plumber who has already given a bond to the City of Houston conditioned as provided for master plumber's bonds, no bond shall be required of such persons or property owners taking out such permit, but the permit shall be issued jointly to the said property owners and such plumber, and they and he shall be jointly and severally responsible for all damages or loss occasioned by such opening, construction, etc. (Id., Sec. 3.)

Sec. 1097. Size and Laying; Restriction—No permit shall ever be issued for the construction of any lateral sewer under the provisions hereof of a less diameter than eight (8) inches, nor shall any permit be issued to construct any sewer which in the judgment of the City Council or officer charged with the direction and supervision of such work is not of sufficient size and to be laid in such manner as, having in view the general sewer system of the city, will be a proper sewer construction, nor shall any permit be issued where in the judgment of the City Council or said officer the laying of such sewer will interfere with the proper growth and development of the city's sewer system. (Id., Sec. 4.)

Sec. 1098. Contents of Application for Permit; Statement of Cost; Fixing Cost of and Permits for Subsequent Connections; When Laying a Dedication—All persons who shall lay or construct sewers under the terms hereof shall, before the permit is issued, file with the City Engineer an application showing among other things the place where the said sewer is desired to be located, the number of lots abutting on the proposed sewer, the diameter thereof, the number of lots which said sewer is capable of serving, the description of said lots owned by the person or persons applying for such permit, the number of connections which the said person or persons applying for the permit intend to make thereto, and whether or not said sewer is designed to serve an addition or subdivision owned, managed or controlled by the parties applying for such permit, and shall before the work is accepted and approved by the officers file with the City Engineer an accurate and verified statement showing the cost of said construction, and when said statement of cost has been filed with the Council it shall as soon thereafter as practicable determine and fix the amount which shall be paid per lot or per connection by each successive person making a service

connection with said sewer, and the schedule of such amount shall be filed in the office of the City Engineer, and permits shall thereafter be issued to persons to make service connections with said sewer who shall have complied with all other provisions of the City Ordinances and have deposited with the City Engineer for the use and benefit of the person or persons originally constructing such sewer the amount per lot or per connection due by them as fixed in said schedule; provided, that where such lateral sewer is to be laid entirely within, along or in front of or to serve only the property owned by the person or persons applying for such permit, the construction and laying of said sewer shall, as to all of the said property abutting thereon or being served thereby, be and constitute a dedication of said sewer, and persons owning such lots shall be deemed to have the full right to make service connections therewith from such sewer without paying or contributing any part of the cost of the laying thereof, and it shall not be necessary for such persons to make any deposit with the City Engineer. (Id., Sec. 5.)

Sec. 1099. Application for Permit to Connect Additional Lateral Sewer; Permit May Be Granted by Council; Deposit to Be Made; Shall Be Deemed a Public Sewer—If at any time after the construction of such lateral sewer as herein provided persons desire to construct from the same an additional lateral sewer, they shall have the right to make application to the City Council describing the lateral sewer which they propose to construct, the lateral sewer with which they propose to connect, and otherwise complying with the ordinances, and if in the judgment of the City Council it is consistent with the good of the sewer service of the City of Houston to permit such connection a permit therefor shall be issued upon the compliance by the persons desiring to construct such lateral with all of the ordinances of the City of Houston; provided, they first deposit with the City Engineer, for the use and benefit of those who originally constructed or paid for connection with the lateral sewer which it is proposed by the applicants to run their sewer from, such sum, if any, as the City Council may fix and declare to be reasonable, which said sum shall be by the City Engineer distributed to the persons who have paid for or constructed the original sewer in proportion to the amount paid by such persons for the construction or on account of connection therewith; but for all other intents and purposes said sewer shall be a public sewer and should it be proper, necessary or advisable to construct a

public sewer from said or any lateral made in the City of Houston or use the same for any public purpose, the city shall have the right so to do without charge or cost to the City of Houston in the same manner as it exercises its rights with reference to any other sewer in the City of Houston. (Id., Sec. 6.)

Sec. 1100. Meaning of Terms "Lateral Sewer," and "Service Connection"—The term "lateral sewer" as used herein means any sewer run off from any sewer line for the purpose of furnishing a feeder from which service connections can be run, and not run for the purpose of making a through line of sewers. A "service connection" or line is a connection or line run from any main or lateral sewer line for the purpose of serving any house or premises. (Id., Sec. 7.)

Sec. 1101. Size, Construction, Etc., of Service Connections—All service connections shall be at least six (6) inches in diameter, and where they are sought to be run laterally down a street passing other property they shall be laid under the provisions of this article applicable to lateral sewers as to the kind of application to be made therefor and the right and privilege of other persons connecting therewith; provided, that no service line shall ever be allowed to run laterally through one block and across the intersecting street but shall be confined to the limits of the block; and provided further, that where feasible so to do the plumbing inspector should require a lateral sewer line rather than a service line to be constructed; and provided further, that the plumbing inspector shall have the right and it is hereby made his duty to require all persons to connect with the same service line in the block wherever possible so as to prevent the laying of numerous service lines within the streets and under the sidewalks of the City of Houston. (Id., Sec. 8.)

Sec. 1102. General Provisions for Management, Etc., by City; Governed and Regulated as Other Sewers, Except—It is hereby declared that all sewers laid under the provisions of this article shall be in all respects managed, controlled and regulated by the City of Houston, and connections therewith shall be governed and regulated in the same manner as connections with any sewers, except that the right is hereby reserved to persons constructing same to receive for private service connections the compensation fixed by the City Council, and to persons who have constructed or contributed to the cost of construction by paying for connection therewith the

right to receive from persons constructing their laterals off from same such amounts, if any, as may be fixed by the City Council, and it is distinctly understood that said sewers shall be so placed as not to interfere with the construction in the streets of the City of Houston of any other underground pipes, ducts or conduits and other structures laid on the part of the city, and the city shall have the right to take the same up, or disconnect, or destroy the same when they prove a nuisance and the city to be in no wise responsible for the cost or damage on account thereof, and that the City of Houston shall have the right to lay any lines down the streets where said lateral sewers run even though it may render said lateral sewers useless without being in any manner required to compensate persons who have laid or contributed to the cost of said sewer, it being intended by this article merely to furnish to the persons laying a sewer or contributing to the cost thereof a means of reimbursing themselves from other private persons similarly situated under the rules and regulations which may be established by the Council, and not in any manner to obligate the City of Houston to pay or cause to be paid any sum of money on account thereof, or to vest in any persons constructing such sewers any private right against the City of Houston or the public use. (Id., Sec. 9.)

Sec. 1103. Offenses; Penalties—Any person or persons who lay or construct any sewer herein provided for, or who make any connection with any sewer for the purpose of laying any of the sewers herein provided for without first having complied with the provisions of this article or who shall refuse to permit any person or persons holding a permit from the City of Houston to connect with any sewer in the City of Houston or interfere therewith, or who shall refuse to permit the City of Houston to make connection with any of the proposed sewers or interfere therewith, or who shall violate any of the provisions of this article shall be guilty of an offense, and upon conviction thereof shall be fined in any sum not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00). (Id., Sec. 10.)

CHAPTER XXXVIII.

South Texas Fair and Exposition Commission.

Sec. 1104. Creation of Commission—That there is hereby created an Exposition Commission to have charge of the establishment and development of a municipally owned South Texas Fair Exposition to be located on the lands formerly known as Vick's Park, now belonging to said city, and upon other lands adjacent thereto and lying on both sides of Buffalo Bayou, which have been or may be purchased or controlled by the City of Houston. (April 3, 1913, Ord. Bk. 3, p. 311, Sec.1.)

Sec. 1105. Composition of Commission; Terms of Office, Etc.—Said Commission shall consist of seven (7) persons who shall be appointed by the Mayor and confirmed by the City Council, one of whom shall be designated as Chairman. Each of said Commissioners shall serve for a period of two years from the date of such appointment and confirmation; provided, that upon the death, resignation, removal or inability to serve from any other cause of any commissioner that his successor shall be appointed for the remainder of his term in the manner provided for the appointment of commissioners herein contained, and provided further that said Commissioners shall serve without compensation. (Id., Sec. 2.)

Sec. 1106. Duties of Commission—It shall be the duty of said Commissioners to have entire charge of the establishment and operation of the South Texas Fair and Exposition and to recommend to the City of Houston ways and means of raising funds necessary for said purpose.

Said Commission shall have entire charge of laying out said Exposition grounds and of locating Exposition buildings, and shall have charge of all building operations in connection therewith. Said Exposition Commission shall employ a capable man who shall devote his entire time to said Exposition plans, development and operation, and who shall be at all times under the direction and control of said Exposition Commission. (Id., Sec. 3.)

Sec. 1107. Funds of the Commission; Annual Reports—All funds for the establishment and maintenance of such Fair and Exposition, from whatever source, whether raised by such Exposition Commission or by the City of Houston, or by indi-

vidual subscriptions, shall be expended under the direction and management and control of said Exposition Commission; and it shall be the duty of said Exposition Commission to report to the City Council of the City of Houston annually on the first day of March of each calendar year, and in such annual report to give a complete itemized statement showing the receipts and expenditures of all funds together with all vouchers showing each and every itemized expenditure, which said report shall be audited and printed in the annual reports of the various departments of the city government of said city. (Id., Sec. 4.)

CHAPTER XXXIX.**Steam Boilers and Elevators.****Article 1.—Boiler and Elevator Inspector, Etc.****2.—Board of Examiners of Stationary Engineers.****ARTICLE 1.****BOILER AND ELEVATOR INSPECTOR.****Sec. 1108. Inspector to Be Appointed by Mayor, Etc.—**

There is hereby created the office of Boiler and Elevator Inspector of the City of Houston, Texas, who shall be a well qualified engineer or boiler-maker of at least five (5) years' experience as such, and competent to test and inspect steam boilers and all steam generating apparatus under pressure, and all elevators used for the purpose of carrying passengers or freight; said officer to be appointed by the Mayor of the City of Houston by and with the consent of the City Council. Said Boiler and Elevator Inspector may appoint, by and with the consent of the Mayor, one deputy inspector, who shall serve without pay from the City of Houston, and who shall possess the same qualifications as the Boiler and Elevator Inspector, and perform the same duties in case of temporary absence from the city, sickness, or other disability of such Inspector.

The Boiler and Elevator Inspector shall hold his office for two years from the date of his qualification and until his successor shall have qualified; shall first be appointed after this ordinance shall take effect.

The said Deputy Inspector shall hold his office until removed by the Inspector. (Code 1904, Art. 137.)

Sec. 1109. Duties of Inspector—That the Boiler and Elevator Inspector shall devote his time and attention to the duties of his office, and he shall carefully inspect and test every steam boiler and steam generating apparatus under pressure used for stationary power, as provided by this chapter, including all attachments and connections, at least once annually, and shall have power to determine the maximum pressure of steam that may be allowed any boiler or steam generating apparatus in said city, and whether the same and its appurtenances are built and equipped according to the requirements

of this chapter. For the purposes of inspecting or testing such boilers or apparatus, he shall have the right, at reasonable hours, to enter the premises where same are situated. He shall keep a complete and accurate record of the names of all owners or users of such steam boilers, or apparatus, giving a full description of the boilers or apparatus inspected by him, and amount of pressure allowed at the time when last tested. He shall notify all owners or users of such boilers or apparatus the time when a re-inspection and test will be made, at least ten (10) days before the expiration of each certificate of inspection, and appoint a day on which he will make such re-inspection. The manner of inspection shall be substantially as follows: The Inspector shall have the option of making the hammer test or the hydrostatic test. If the hammer test be used, the examination shall be thorough and searching upon every part of the boiler, both internal and external, including all fixtures and attachments. If the hydrostatic test be used, each boiler shall be tested by hydraulic pressure, one-fourth (1-4) greater than the ordinary pressure used. The certificate of inspection and permit herein provided for shall state that said boiler or other steam generating apparatus and its appurtenances have been examined by him (giving the date), and that same may be used and operated for one (1) year following said date, and shall state the maximum pressure at which such boiler may be worked. In case a defect shall be discovered in any boiler or apparatus, or attachments or appurtenances thereto, the Boiler Inspector shall report same to the owner or user thereof, and state the facts of the case in writing, giving a description of the particular locality in which every defect may be found, and whether of a dangerous character, and necessitating immediate repair. If the Boiler Inspector shall find at any time a boiler which in his judgment is unsafe, after inspecting the same, or which is not in accordance with the requisites and specifications hereinafter provided, he shall condemn its further use. All boilers to be tested by the hydrostatic pressure shall be filled with water by the owners or users, and they shall furnish the necessary labor required to work and handle the pumps in applying the test. When leaks occur so as to prevent a successful test, such leaks shall be repaired before the boiler or apparatus is used, and the Inspector shall make a second test upon receipt of notice that all leaks have been repaired. If, upon making the second test, the boiler or apparatus is still defective, the Inspector shall, for each subsequent test, collect an additional inspection fee, but in no case

shall he give a certificate until fully satisfied of the safety of the boiler or boilers. All certificates of inspection shall run for one (1) year, and no longer. (Id., Art. 138.)

Sec. 1110. Owner or User of Boiler May Appeal from Inspector's Decision—Any owner or user of a steam boiler or apparatus, feeling aggrieved at the decision of the Inspector, may appeal to the Board of Examiners, and upon a thorough and careful investigation of the matter at issue between the parties, a majority of the Board shall decide the question, and their decision shall be final, but the Inspector shall stand sustained unless his decision be reversed or modified by a majority vote of the Board. The Inspector shall have no vote in any matter in which there is an appeal from his decision. The appeal herein provided for shall be made by giving written notice thereof to the said Board, or some member thereof, within two (2) days after the decision of the Inspector. (Id., Art. 139.)

Sec. 1112. Boilers Used Day and Night Must Be Run by Two Engineers—Where boilers or such apparatus using steam are run night and day, the owner or user thereof must employ two licensed engineers to stand watch alternately, each working not exceeding twelve hours, but the engineer in charge must have a first-class license. Any person or persons intending to place a boiler or boilers, or other steam generating apparatus under pressure, into his or their establishment or building, must apply to said Inspector for a permit before setting up any such boiler or boilers, or apparatus; and anyone failing or refusing to comply with this requirement shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00). (Id., Art. 140.)

Sec. 1113. Boilers Must Be Inspected Before Being Used; Penalty—All owners or users in control of a steam boiler or boilers, or steam generating apparatus under pressure, shall have same inspected and tested as herein provided, before being used, and also while being used, as herein required, and for using such boiler or steam generating apparatus without such inspection having been made and permit issued, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00), and each day's use thereof shall constitute a separate offense; provided, however, that the Inspector shall be authorized to make the test herein provided

for at any time (without extra cost to the owner or user). If any owner or user in control of a steam boiler or other steam generating apparatus under pressure, or any engineer in charge of same, shall cause or allow the same to carry a greater pressure than is allowed in the certificate of inspection granted by such Inspector, he or they shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00), and in case of an engineer, his license shall be revoked; and if such owner or user in control thereof shall use or cause to be used a boiler or other steam generating apparatus which has been condemned by the said Inspector as unsafe, he shall be guilty of a misdemeanor, and upon conviction fined not less than One Hundred Dollars (\$100.00) and not more than Two Hundred Dollars (\$200.00).

Every steam boiler or steam generating apparatus used in the City of Houston is hereby required to be sound in all its parts and properly set up and placed and stayed, and provided with a good safety valve and appropriate gauge cocks, and a water glass in proper working order. The pressure to be allowed each boiler by the said Inspector shall be determined by him according to the thickness of the material, tensile strength, style of riveting and seams and size of rivet holes. The brick work and settings around each boiler shall be in good condition, so that there shall be no danger to the boiler and buildings or other property contiguous to the same. (Id., Art. 141.)

Sec. 1114. Certificates to Be Issued by City Controller—

The City Controller shall issue to the Inspector certificates of inspection of steam boilers or other steam generating apparatus, regularly numbered and duly signed by said official, in denominations proper to meet the requirements of this chapter, and which shall also be in accordance with the ordinance heretofore passed providing a system of accounting for the departments of the city. There shall be paid in accordance with the ordinances of the city by all owners or users in control of boilers or steam generating apparatus subject to this chapter the following inspection fees, and no more: For every boiler or steam generating apparatus, Five Dollars (\$5.00), whether set single or in sets. Where sets of boilers are built, one over the other, only those over the fire pit shall be counted as one. Every certificate of inspection shall be properly filled up and signed by the Inspector, and shall be by the owner or user in control of the boiler or other steam generating

apparatus displayed in some prominent place near where the boiler or boilers or such apparatus are used. The Inspector shall make such reports as are now required by the ordinances of the City of Houston. (Id., Art. 142.)

Sec. 1115. Certain Exemptions—All boilers carrying not over ten (10) pounds per square inch of pressure, used only for the purpose of heating private dwelling houses, supplied automatically with water, and all locomotives used for the purpose of drawing railroad trains, shall be exempt from this chapter. (Id., Art. 143.)

Sec. 1116. Salary of Inspector; Must Give Bond—The Inspector shall be paid out of the City Treasury the sum of One Hundred and Twenty-five Dollars (\$125.00) per month as full compensation for all services required of him by this chapter. He shall give bond, payable to the City of Houston in the sum of Three Thousand Dollars (\$3000.00), with two solvent sureties to be approved by the Mayor and City Council, conditioned for the faithful, skillful and impartial performance of the duties of his office. The Deputy Inspector shall give bond in the sum of One Thousand Dollars (\$1000.00) with the same conditions as required of the Inspector, and subject to the same approval. (Id., Art. 144.)

Sec. 1117. May Be Discharged for Improper Conduct—If the Inspector or his deputy shall fail to discharge his duties by reason of inebriety or other wilful negligence, or in any manner use his position for any corrupt or dishonest purpose, he shall be deemed guilty of a misdemeanor and fined in any sum not exceeding Two Hundred Dollars (\$200.00), and forfeit his office. (Id., Art. 145.)

Sec. 1118. Inspector to Inspect Elevators—It shall be the duty of said Inspector to regularly inspect all elevators used for the purpose of carrying passengers or freight to see that the same are in perfect working order, and that all the parts thereof are in good condition and repair, and for this purpose he shall have the right, during reasonable hours, to enter the premises where such elevators may be. The result of said inspection shall be recorded by the Inspector in a book to be kept for that purpose. (Id., Art. 147.)

Sec. 1119. Elevators; When Inspected—It shall be the duty of said Inspector to make such inspection of each elevator at least once in every three months, excepting elevators operated exclusively by hand power, which shall be inspected at

least every six months, and every owner or user of such an elevator shall apply to and procure from the Inspector within five days after such inspection a certificate to the effect that said elevator and its appurtenances are in safe and sound condition, and such certificate shall be kept framed in a conspicuous place as near as possible to the entrance of the elevator car. (Id., Art. 148.)

Sec. 1120. Unlawful to Run an Elevator Unless Inspected—It shall be unlawful to run or operate within this city any elevator which has not been inspected within three or six months, as respectively required in the preceding section, and any user of an elevator, having control of same, who shall allow or cause the same to be run without such certificate, or who shall fail to keep posted the certificate of inspection as hereinbefore provided, shall be guilty of a misdemeanor, and on conviction fined not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00), provided that each day's violation of this section relating to elevators shall constitute a separate offense. (Id., Art. 149.)

Sec. 1121. If Defective, Shall Not Be Used Until Repaired—Should any defect be found to exist in any passenger elevator or its appurtenances which reasonably tends to impair the safety of same or endanger life by its continued use, the Inspector shall cause written notice of such defect to be served upon the owner or user in control of such elevator, which notice shall contain a statement of the repairs necessary to be made, and the owner or user in control of said elevator shall not thereafter allow it to be used until a certificate in writing shall be issued by said Inspector that it has been put in safe running order and is fit for use. Any person owning or using and in control of a passenger elevator who shall violate any of the provisions of this section shall be guilty of a misdemeanor and fined not less than Ten Dollars (\$10.00) and not more than Fifty Dollars (\$50.00). (Id., Art. 150.)

Sec. 1122. Fees for Inspection—A fee of One Dollar and Twenty-five Cents (\$1.25) shall be paid by the owner or user for each certificate of inspection of an elevator provided for in this chapter. (Id., Art. 150a.)

Sec. 1123. Must Notify Inspector of Any Change—The owner or user in control of any such elevator in said city shall notify said Inspector of any change intended by the user or owner of elevators to be made in the same or any of its appurtenances, and if he shall find that same will not impair

its safety and reasonably tend to endanger life he shall issue a written permit authorizing such change; and any person owning or using or in control of such elevator, or any agent or employee thereof who shall knowingly cause or allow a change to be made in the same without such permit having been issued, shall be guilty of a misdemeanor, and upon conviction fined not exceeding One Hundred Dollars (\$100.00). Any manufacturer or builder, or other person intending to erect or construct an elevator within this city, shall notify said Inspector of the fact, and said Inspector shall inspect the plans and specifications for the same, and if said plans and specifications are found by him to be proper and safe under all the circumstances, a permit shall be issued by him allowing the construction of the elevator according to the same. Any person who shall cause an elevator for freight or passengers to be constructed or installed in any building in said city without first furnishing said plans and specifications to the Inspector and without his permit for the same as aforesaid, shall be guilty of a misdemeanor and fined not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00). (Id., Art. 151.)

Sec. 1124. May Appeal to Council from Inspector's Decision—Any interested person who may consider himself aggrieved because of any decision or action of said Inspector pertaining to an elevator, shall have the right within three (3) days after such ruling or action is had to appeal from the same, in writing, to the City Council of the City of Houston by filing his application, stating the grounds thereof, with the City Secretary of said city, and the ruling or action of the Inspector shall stand in all cases until reversed or modified by the City Council, whose action shall be final. (Id., Art. 152.)

Sec. 1125. Inspection Fees to Be Paid to Assessor and Collector—Inspection fees and all other fees heretofore collected by the City Boiler Inspector or by the Secretary of the Board of Engineers of the City of Houston, shall hereafter be collected by the City Assessor and Collector. (Id., Art. 153.)

Sec. 1126. Blank Forms to Be Prepared by City Controller—Blank forms shall be prepared by the City Controller for the use of the Boiler Inspector and Secretary of the Board of Engineers and City Assessor and Collector, with which to comply with the provisions of this chapter. (Id., Art. 154.)

ARTICLE 2.

BOARD OF EXAMINERS OF STATIONARY ENGINEERS.

Sec. 1127. Board to Consist of Two Members—There is hereby created a Board of Examiners, to consist of two practical stationary engineers of at least five (5) years' experience as such, who are competent engineers or machinists, and actually employed, and the Boiler and Elevator Inspector, whose duty it shall be to examine stationary engineers as to their capacity to understand and operate engines and boilers and to perform such other duties as may be prescribed by this chapter, said two members of said Board to be appointed by the Mayor of the City of Houston, by and with the consent of the City Council, and they shall be paid by the City of Houston Two Dollars and Fifty Cents (\$2.50) for each meeting attended by them, not to exceed two meetings in any calendar month; provided, that the Boiler and Elevator Inspector shall only receive the salary or fees of the office of Boiler and Elevator Inspector. (Code 1904, Art. 155.)

Sec. 1128. Boiler and Elevator Inspector to Act as Secretary of Board—The Boiler and Elevator Inspector shall, in addition to the duties of his office of Boiler and Elevator Inspector, perform the duties of Secretary of the Board of Examiners. (Id., Art. 156.)

Sec. 1129. Shall Hold Sessions Twice in Each Month, Etc.—Said Board of Examiners shall hold its sessions in the office of the Boiler and Elevator Inspector, and shall be provided with all blanks and stationery and test pumps and gauges as shall be needful for their official duties. Said Board shall provide for regular sessions, twice in each month, to examine into the qualifications of applicants for engineer's license, and the Secretary shall keep minutes of its proceedings. The Secretary shall have power to call a special meeting of the Board when deemed necessary. A majority of the members of said Board shall constitute a quorum for the transaction of business. The said Secretary shall keep a register of the names of all applicants, designating those found qualified and those not found qualified. Said Board shall grant certificates of license when proper under the terms of this chapter, charging each applicant therefor the sum of Five Dollars (\$5.00) for the first certificate, One Dollar (\$1.00) to be deposited in advance, each applicant to be allowed three (3) trials. If he fails to pass a satisfactory examination, the applicant shall

forfeit to the city the money so deposited, but if he has the capacity, skill, experience and habits of sobriety requisite for the performance of the duties of any engineer, and shall be so found by the Board, he shall be granted a license for the term of one year upon the payment of an additional Four Dollars (\$4.00). Any person thus qualified shall not be refused a license. Renewals of licenses will be granted to applicants upon the payment of \$2.50, if applied for at or before the next regular meeting of the Board after the expiration of his license. No such renewal license shall be issued until the expired license shall be surrendered to the Secretary of the Board. Said Board shall vise all engineer's licenses granted under the United States laws and presented by the holders thereof, and they shall then have the same effect as licenses granted by the Board, and the engineers whose licenses are so vised by the Board shall be subject to the provisions of this chapter. All certificates of license granted shall be signed by not less than two members of the Board. Said Board may adopt such rules and regulations as they shall deem proper, not inconsistent with this chapter and the general law. The Board of Examiners shall have power by a majority vote to revoke an engineer's license for habits of inebriety or dishonesty connected with the discharge of his duties or for neglect of his duties as an engineer, and they may order the re-inspection of any boiler when deemed necessary for the purpose of safety; but no license shall be permanently revoked without first giving the accused an opportunity of being heard in his defense. Applicants for licenses may receive first or second grade licenses, according to their ability as steam engineers, and will be graded by the Board of Examiners. (Id., Art. 157.)

Sec. 1130. May License an Experienced Person Temporarily—In case the user or owner in control of any boiler shall for any cause be deprived of the service of a licensed engineer, he must notify said Secretary at once, and in such event, by the Secretary's written consent, procure an experienced and careful person to act as such engineer for a time not exceeding three (3) days. (Id., Art. 158.)

Sec. 1131. Owners Must Employ Only Those Who Have Certificates—Every owner or user in control of any steam boiler or boilers or steam generating apparatus in the City of Houston shall when the boilers are in use employ and have in charge of the same a competent engineer having a certificate of license from the Board of Examiners, as herein provided; and if the owner or user aforesaid shall fail or refuse to em-

ploy and have in charge of the same such licensed engineer as herein provided, he shall be deemed guilty of a misdemeanor, and upon conviction fined not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars. Any person serving as an engineer of such boiler or boilers, or steam generating apparatus, without first having obtained a proper license or permit, as herein provided, shall be guilty of a misdemeanor, and upon conviction fined not less than Ten Dollars (\$10.00) nor more than Fifty Dollars (\$50.00), and any person who shall serve as an engineer of any boiler or steam generating apparatus that has not been inspected, as required by the section providing for inspection of the same, and for which a proper certificate and permit to use has not been issued within one year, as in said section provided, shall have his license revoked. (Id., Art. 159.)

Sec. 1132. Members of Board Must Give Bond—Each member of the Board of Examiners shall give bond payable to the City of Houston, in the sum of Five Hundred Dollars (\$500.00) with two (2) solvent sureties to be approved by the Mayor and City Council, conditioned for the faithful, skillful and impartial performance of the duties of his office. (Id., Art. 160.)

Sec. 1133. Certain Persons Exempt—That the engineers of all locomotives drawing railroad trains are exempt from the provisions of this chapter. (Id., Art. 161.)

CHAPTER XXXX.**Street Railways.****ARTICLE 1.****CONSTRUCTION, MAINTENANCE, REPAIRS, OPERATION, ETC.**

Sec. 1134. Permission to Be Obtained for Constructing Street Railway—No street railway company shall hereafter construct any line of street railway upon any street or portions of street in the City of Houston until they shall first have obtained in writing the consent of the Mayor and City Council so to do. (Code 1904, Art. 997.)

Sec. 1135. Permission to Be Obtained for Relaying Tracks—No street railway or other railway company shall replace or put down any track or tracks which have been removed from any street for the purpose of having the same paved or otherwise improved without first obtaining the written permission of the Mayor and City Council, and shall also pay their pro rata portion of the cost of such improvements made on such street due at that time, in accordance with the terms of the City Charter. (Code 1904, Art. 998.)

Sec. 1136. Requiring Johnson Grooved Girder Rail on Paved Street—All rails hereafter laid by or for any street railway or any street now improved or that may hereafter be improved shall be Johnson center-bearing flange rails, known as grooved girder rails, of such size and weight as may be approved by the City Engineer, and that no "T" rail of any size or weight shall be hereafter laid upon any improved street excepting Odin Avenue for a distance of about two thousand (2000) feet in a southerly direction from its intersection with Carr Street; and on San Jacinto Street from south side of Franklin Street to bridge across Buffalo Bayou; and on Willow Street from San Jacinto Street bridge to Liberty Street; and on Liberty Street from its intersection with Willow Street to the Houston & Texas Central Railroad crossing. (Code 1904, Art. 999.)

Sec. 1137. Must Use Grooved Girder Rails on All Repair Work; When—Hereafter, when any street within the corporate limits of the City of Houston shall be paved, improved or repaved with asphalt or brick or block pavement, any person,

firm, corporation or association of persons by whom street railway track is maintained on the said street shall be required to change the form of rails used on such street railway track to Johnson center-bearing flange rails or grooved girder rails of a size, form, weight, dimension and character approved by the City Engineer, and it shall be unlawful for any street railway company to continue to maintain a street railway track with a "T" rail of any size, weight or dimension after such street may have been laid or paved with a pavement of the kind and character herein stated. (Code 1904, Art. 1000.)

Sec. 1138. Penalty if Not Complied With in Sixty Days—If any street railway company shall fail to put down the rails above described within sixty days after notice to do so by the Mayor, that such failure shall be a forfeiture of the right of the said street railway company to use said streets for the operating of its street railway. And that it shall be the duty of the Mayor to prevent the said street railway company from laying any other rails upon the streets where they are notified to lay the above rail, except the rail as provided for by this chapter. (Code 1904, Art. 1001.)

Sec. 1139. Kind of Stringers to Be Used—No street railway shall hereafter be permitted to use any other than stringers and ties made of heart red cypress or long leaf heart pine. (Code 1904, Art. 1002.)

Sec. 1140. Street Railway Tracks to Be Maintained on a Level—It shall be the duty of every person, firm or corporation owning or operating a street railway, or ordinary railroad, on or over streets in the City of Houston, to keep and maintain all railway tracks owned or used by such person, firm or corporation, unless otherwise specially authorized or directed by the City Council, on a level with the surface of the street roadway occupied by such tracks, and such tracks shall be kept and maintained by the person, firm or corporation owning or using the same at all times and in all places in such manner with reference to said roadways as will not necessarily inconvenience, impede or interfere with the public use of said streets. (Code 1904, Art. 1003.)

Sec. 1141. Track to Be Repaired—When from public travel or any natural cause any portion of the roadway of a street next to or near the rail or rails of such track or tracks shall be removed, worn or washed away, so that such track or tracks will on account thereof unreasonably obstruct public travel and convenience, then it shall immediately become the

duty of the person, firm or corporation owning or using such track or tracks to cause such fillings to be made at such place or places, with the same material with which the roadway is there constructed, as may be necessary to obviate or prevent such obstruction, and to the end that travel upon and over the streets of Houston for ordinary purposes shall not be unnecessarily impeded by street car or ordinary railroad tracks. (Code 1904, Art. 1004.)

Sec. 1142. Unlawful to Interfere With Motorman or Conductor; Penalty—That it shall be unlawful for any person not authorized by the company owning the car to interfere with, hinder or impede any motorman or conductor on any electric street car in the City of Houston in the operation and management of said car. That any person violating this section shall be punished by a fine of not less than Five nor more than Twenty-five Dollars. (Code 1904, Art. 1005.)

Sec. 1143. Unlawful to Jump On and Off Cars—It shall be unlawful for any person in the City of Houston to jump off or on, cling to or hang on any electric street railway car while the same is in motion, said person not being a passenger who has paid his fare, or an employee, or an officer of the street railway company. (Code 1904, Art. 1006.)

Sec. 1144. Penalty—Any person violating the preceding section shall be fined, on conviction, not less than One Dollar nor more than Twenty-five Dollars. (Code 1904, Art. 1006a.)

Sec. 1145. Notice of Needed Repairs on Line of the Street Railway—It is hereby made the imperative duty of the Chief of Police, Deputy Chief of Police, Street Commissioner, and of police officers, who may notice or take cognizance of any hole, cut or washout on any street on which the Houston City Street Railway Company or other street railway companies run their cars, and which hole, cut or washout is or may be the means of impeding travel, by cause of the track of said company being higher or lower than the street, to immediately give notice to a local officer of said company to have the same repaired and placed at a proper grade, with gravel, sand or shell, or other proper material, to a distance of not less than two feet from either side of the track, and in such manner as that at any time any vehicle may cross said track without danger or inconvenience thereto. (Code 1904, Art. 1006b.)

Sec. 1146. Neglect to Make Repairs After Notice—If after any local officer of said railroad company has been noti-

fied to make any such repair, and the company shall fail or refuse to do so, he shall be liable to the penalty hereinafter imposed, and each day that such repairs are not made after such notice shall be a separate offense. (Code 1904, Art. 1007.)

Sec. 1147. Street Railway Company to Keep Crossings in Repair—It shall be the duty of the Houston City Street Railway Company, or other street railway company having tracks upon the streets of the City of Houston, to keep up and in good repair all crossings from curb to curb at the intersections of other streets over which their line of railway runs, at their own proper cost and expense. (Code 1904, Art. 1008.)

Sec. 1148. Ordinances Granting Rights of Way, Etc., Repealed—That, whereas, various ordinances have been passed by the City of Houston granting rights of way and franchises to street railway companies prior to March 1, 1895, the terms of which ordinances contemplated that all rights of way thereunder granted should be availed of within a reasonable time where no definite time was stipulated, and restrictions and limitations were in many cases made; and, whereas, a great many of the streets of the City of Houston are now being paved, and there may be made an effort by various railroad companies in the future to occupy streets or portions of streets not now occupied by street railways, under ordinances passed prior to March 1, 1895, and against the best interests of the City of Houston, and as it is the intention of the City of Houston to maintain full control over all streets and rights of way; now, therefore, by the terms of this section all ordinances granting franchises and rights of way for street car and street railway purposes of all kinds passed prior to March 1, 1895, that have not been and are not now accepted and streets occupied and actually used, under the terms thereof, are hereby repealed, and the passage of this section shall become notice to all street car and street railway companies that claim, or may claim, any rights or privileges under ordinances passed previous to the first day of March, A. D. 1895, that all portions not in actual operation at the time be and the same are hereby repealed. (Code 1904, Art. 1009.)

Sec. 1149. Penalty for Failure to Comply With Any Ordinance—That if any street or other railway company shall fail or neglect to comply with any ordinance of the city relating to the use of streets by such railway company, it shall be proper for the Mayor to cause to be delivered to one of the

resident managing officers of such company a notice in writing, calling the attention of such company to the ordinance violated, and to the particular manner in which the same is violated; and thereupon, unless such company shall, within ten days after the delivery of such notice, comply in the particulars thus pointed out with such ordinance violated, such company shall be liable to a penalty of One Hundred Dollars, and each day that shall lapse thereafter before said ordinance shall be complied with shall constitute a separate offense, and such penalty shall be collected in a civil suit, brought in the name of the City of Houston against the company so offending, in either of the Justice's Courts of Precinct No. 1 of Harris County, Texas. (Code 1904, Art. 1010.)

Sec. 1150. Prompt Compliance With Orders Required—

It is hereby made and declared to be the duty of every person, firm or corporation owning or using such tracks in the streets of said city to immediately comply with all such reasonable commands, orders or directions as may be given them, either by the Mayor or City Council of said city, relative to the performance of such acts on their part of any reasonable character whatever as may be deemed necessary to secure the end above mentioned. (Code 1904, Art. 1011.)

Sec. 1151. Penalty—If any person, firm or corporation shall fail to comply with the provisions of this chapter, or shall fail to comply with the terms or provisions of any ordinance of the city granting to such person, firm or corporation privileges connected with the use of streets in the City of Houston, such person, firm or corporation shall be deemed guilty of an offense, and shall be liable to a penalty of One Hundred Dollars (\$100.00), the same to be recovered by civil suit instituted in either of the Justice's Courts of Precinct No. 1, of Harris County, Texas, as provided for in the Charter of said City of Houston, and each and every day's neglect on the part of such person, firm or corporation to comply with the provisions of this chapter, or those of any ordinance granting said special privileges, shall constitute a separate offense. (Code 1904, Art. 1012.)

Sec. 1152. Must Keep Bridges, Crossings and Streets in Repair—It shall be the duty of all steam and electric railway companies, operating their lines over the streets of the City of Houston, to construct and keep in repair from curb to curb all bridges and crossings at the intersection of streets and avenues and over all ditches, sewers and culverts on the line of

said railways on all streets within the city limits over which they run. (Code 1904, Art. 1013.)

Sec. 1153. Penalty—Any railway company, person or corporation operating a steam or electric railroad in the City of Houston over any street, which shall fail to comply with the provisions of the above section, shall be liable to a penalty of Fifteen Dollars, the same to be recovered in a civil suit brought in the name of the City of Houston in either of the proper Justice's Courts of Harris County, Texas, and each day's failure to comply with the above section shall constitute a separate offense and penalty. (Code 1904, Art. 1014.)

Sec. 1154. Unlawful to Monopolize End Seats—It shall be unlawful for any person or passenger to monopolize the end of seats on street cars when other passengers seek seats thereon, and thereby force said passengers to push by or to climb over them. (Code 1904, Art. 1024.)

Sec. 1155. Must Move When Requested—Each person or pasenger who takes a seat on a street car in which the seats run cross-wise, shall, when another person enters, move further from the entrance to said seats, so as to make room for said person or passengers, and keep moving as passengers enter until the seat is filled. (Code 1904, Art. 1024.)

Sec. 1156. Penalty—Any person violating any of the provisions of the next two preceding sections shall, on conviction, be fined not less than Five Dollars and not more than Twenty-five Dollars for each and every offense.

Sec. 1157. Street Cars Must Be Vestibuled When Used From November to March—That it shall be unlawful for any street railway company or superintendent or manager or receiver thereof, operating electric cars along the streets of the City of Houston, to knowingly allow any electric car of said company to run along any street or over any bridge in said city between the first day of November and the first day of March of any winter unless the front and rear platforms of said cars be protected from the inclemency of the weather by suitable and sufficient material to reasonably exclude cold air, rain and snow. (Code 1904, Art. 1027.)

Sec. 1158. Penalty—Any manager, superintendent or receiver of such electric street railway company who shall violate any provision of the foregoing section shall be adjudged guilty of a misdemeanor, and, upon conviction in the Corpora-

tion Court, shall be fined in a sum not less than Ten Dollars nor more than Fifty Dollars for each violation of said section, and each car being so run in violation of said section for any one day, or part thereof, shall be considered a separate offense. (Code 1904, Art. 1028.)

Sec. 1159. Street Railways Must Provide Separate Compartments—Every street railway company, lessee, manager, receiver or owner thereof, operating street cars in the City of Houston as common carriers of passengers for hire, shall provide separate cars for the accommodation of white and negro passengers, which separate cars shall be equal in all points of comfort and convenience. (Code 1904, Art. 1029.)

Sec. 1160. How Divided or Partitioned—Each compartment or division of a car, partitioned, divided or screened in a substantial way, and plainly separating the portion of the car to be used by each race, shall be deemed a separate car within the meaning of this section, and each separate car shall have in some conspicuous place appropriate words in plain letters, indicating the race for which it is set apart. (Code 1904, Art. 1030.)

Sec. 1161. Term "Negro" Defined—The term "negro," as defined in Sections 1159 and 1160, includes every person of African descent, as the same is defined by the statutes of the State of Texas. All persons not included in the definition of "negro" as above defined shall be deemed a white person within the meaning of this chapter. (Code 1904, Art. 1031.)

Sec. 1162. Penalty for Failure to Provide Separate Compartments—Any street railway company, lessee, manager or receiver or owner thereof which shall fail to equip and operate its system or road with separate cars for passengers, as above provided for, shall be liable for each and every failure to a penalty of not less than Twenty-five nor more than One Hundred Dollars, to be recovered by the City of Houston in suit to be brought in the name of the City of Houston in any court having competent jurisdiction, and each trip run with any such car or string of cars without separate cars as herein defined shall be deemed a separate offense. (Code 1904, Art. 1034.)

Sec. 1163. Conductors Shall Have Right to Refuse Passage—The conductors on all separate cars as herein defined shall have the authority to refuse any passenger or person the right to sit or stand in any separate car in which said passenger or person is not entitled to ride under the provisions and

within the meaning of this chapter, and such conductors shall have the right also to remove from a car, or division thereof, any passenger not entitled to ride therein under the provisions of this chapter, and such person so removed shall not be entitled to a return of any fare paid. (Code 1904, Art. 1033.)

Sec. 1164. Penalty for Passengers Violating Foregoing Section—If any passenger upon any street car provided with separate cars within the meaning of this chapter shall ride in any car not designated for his race, after having been forbidden to do so by the conductor in charge of said car, he shall be guilty of a misdemeanor and shall be fined, upon conviction, not less than Five nor more than Twenty-five Dollars. (Code 1904, Art. 1034.)

Sec. 1165. Do Not Apply to Nurses—The provisions of this chapter shall not be so construed as to prohibit nurses from riding in the same car with their employers, even though of different race, and shall not prohibit officers from riding with prisoners in their charge. (Code 1904, Art. 1035.)

Sec. 1166. Shall Not Apply to Special or Excursion Cars—The provisions of this chapter shall not apply to any excursion car or special cars strictly as such for the exclusive benefit of either race, but in all such cases said cars shall be plainly marked "Excursion Car" or "Special Car." (Code 1904, Art. 1036.)

Sec. 1167. Unlawful to Run Cars With Flat Wheels—That it shall be unlawful for any street railway company or superintendent or manager or receiver thereof, or any other officer or person, in any manner in control thereof, to operate or run or permit to be operated or run by means of electricity or other motive power, any car commonly known as a "flat wheeled car," along or over any street, way or bridge in the City of Houston. (Jan. 9, 1905; Ord. Bk. 2, p. 165, Sec. 1.)

Sec. 1168. Penalty—Any manager, superintendent or receiver of any such company as that mentioned in the next preceding section, or any other person or officer of any such company who shall violate any provision of said section, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not less than Twenty Dollars (\$20.00) nor more than Fifty Dollars (\$50.00) for each and every violation thereof, and each car so run or operated in violation of any such provision, for each day or part thereof, shall be deemed a separate offense. (Id., Sec. 2.)

Sec. 1169. Shall Water Tracks—That the Houston Electric Street Railway Company, or any company or corporation now operating or that may hereafter operate street car lines within the limits of Houston, shall water their tracks on streets paved with brick or asphalt, or that may hereafter be paved with brick or asphalt, so as to effectually keep down the dust. (Jan. 9, 1905; Ord. Bk. 2, p. 165, Sec. 1.)

Sec. 1170. Penalty—That the Houston Electric Street Railway Company or other corporation violating the provisions of the foregoing two sections shall be fined not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00) for each and every offense; each day said sections are violated shall be considered a distinct and separate offense. (Id., Sec. 3.)

Sec. 1171. Exclusive Duty Conductor to Shift Screens; Penalty—That it shall be the exclusive duty of the conductor of any street car, in his discretion, to shift the screen or screens that separate the two compartments for the white and black races, and any person other than said conductor who shall shift or change from one place to another the screen or screens separating the two compartments of any street car shall be guilty of an offense, and, upon conviction thereof in the Corporation Court, shall be fined in any sum not less than Five Dollars (\$5.00) nor more than Two Hundred Dollars (\$200.00). (Aug. 19, 1907; Ord. Bk. 2, p. 439, Sec. 1.)

Sec. 1172. Conductor to Report Person Shifting Screens; Penalty—It is hereby made the duty of any conductor in charge of any street car whereon or in which any person, other than himself, shall shift or change from one position to another any screen or screens separating the two compartments of said car, to report said person so offending to the Corporation Court, and to file complaint against said offender, and any conductor who shall fail or refuse to report such violation shall be guilty of an offense, and upon conviction of same in the Corporation Court shall be fined in any sum not more than Fifty Dollars (\$50.00). (Id., Sec. 3.)

Sec. 1173. Power of Conductor Over Screens and Passengers; Penalty—That the conductor in charge of any street car in which there are screens separating the compartments for the white and black races, is hereby authorized, in his discretion, to shift and change said screens, and to require passengers to occupy seats on the proper side thereof, and any person who shall fail or refuse to move to the seat proper for

his own race, when directed so to do by the conductor, there being a seat on the proper side of the screen to which the passenger can move, shall be guilty of an offense, and upon conviction of same in the Corporation Court, shall be fined in any sum not less than Five Dollars (\$5.00) nor more than Two Hundred Dollars (\$200.00). (Id., Sec. 4.)

Sec. 1174. Smoking on Car, Except Rear Platform, Forbidden—That it shall be unlawful for any person while within or being or riding within any street car upon or being operated along any of the streets or ways of the City of Houston, to smoke any pipe, cigar, cigarette, tobacco or any other offensive substance in any form whatever; provided, however, that persons standing on the rear platform of such car shall be permitted to smoke while standing or remaining upon said rear platform, but shall not smoke as aforesaid upon the front platform or any other portion of said car, except as herein specified. (Jan. 27, 1908; Ord. Bk. 2, p. 454, Sec. 1.)

Sec. 1175. Conductor to Notify Violators of Nature Ordinance—It shall be the duty of the conductor or other person in charge of any street car in or being operated upon any street or way in the City of Houston to notify any passenger who violates or attempts to violate the next preceding section, as to the nature of said ordinance, and in case said person persists in smoking upon said car in violation of said section, it shall be the duty of said conductor to take the name of said person and of witnesses and to report said violation of said person together with said names to the Chief of Police, his deputy, or to any police officer, whose duty it shall be upon receiving said information to file a complaint before the Corporation Court against said person so offending. (Id., Sec. 2.)

Sec. 1176. Copy of Ordinance to Be Posted in Every Car—It shall be the duty of the Houston Electric Street Railway Company to post a copy of this ordinance in a conspicuous place in each and every street car operated on the streets of the City of Houston. (Id., Sec. 3.)

Sec. 1177. Penalty—Any person violating any provision of the next three preceding sections shall be deemed guilty of an offense and upon conviction thereof in the Corporation Court shall be fined in any sum not less than One Dollar (\$1.00) nor more than One Hundred Dollars (\$100.00). (Id., Sec. 4.)

Sec. 1178. Cannot Cut Belt, Except in Emergency—That when any street railway operating in the City of Houston has established a belt line, it shall be unlawful for any car or for the motorman, conductor or other person in charge of said car, to cut the belt with such car, except only in a case of imperative necessity. (Mar. 22, 1909; Ord. Bk. 2, p. 541, Sec. 1.)

Sec. 1179. Definition "Cutting Belt"; Penalty—By a car "cutting the belt" is meant, where a car running along a belt line leaves the said belt line and moves into the opposite side of the belt line at some point short of the end of the belt; that is, at some point short of the point at which the belt line turns for the purpose of moving back on its course.

A belt line shall be considered as established in a certain course when the cars on said line customarily run in said course. Any person, corporation or association operating a line of street railways in the City of Houston, and the manager or superintendent of such street railway, and the conductor or motorman or other person in charge of the particular car which cuts the belt, contrary to the terms of this and preceding section, shall each be guilty of an offense, and on conviction thereof in the Corporation Court shall each be fined in any sum not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00) for each offense, and it shall be a separate offense for each time the belt is cut contrary to the terms of this and preceding sections. (Id., Sec. 2.)

ARTICLE 2.

FARES, TRANSFERS.

Sec. 1180. Rates of Fare for Adults—All persons, firms, corporations or receivers, owning, running, leasing or operating street railways upon and over streets within the corporate limits of the City of Houston, Harris County, Texas, are required to carry passengers on said lines of street railway for a fare not to exceed the sum of five cents for passengers over the age of twelve years, for one continuous trip of any distance within said city limits; provided, that nothing in any portion of this chapter shall be construed as an attempt to change the rate of fare fixed by an act of the Legislature of the State of Texas, regulating fares for children and students in certain cities and towns, approved April 10th, 1903. (Code 1904, Art. 1015.)

Sec. 1181. Fares for Children Between Ages of Five and Twelve Years—All persons, firms, corporations or receivers owning, running, leasing or operating street railways upon and over the streets of said City of Houston are required to carry children of five years of age or between the ages of five years and not exceeding twelve years of age, within said City of Houston, at and for not exceeding one-half of the charge of fare regularly collected on said cars for the transportation of adult passengers. (Code 1904, Art. 1016.)

Sec. 1182. Must Furnish Books for Half Fare—It shall be the duty of said person, firm, corporation or receiver so operating street railways in said city, to furnish and supply children of five years of age or between the ages of five years and not exceeding twelve years of age, with tickets good for the fare of such child or children over any of its lines within the said City of Houston; said tickets to be sold by the officers and agents of said railway company at its office in the City of Houston in books of not less than ten tickets to said children, their parents or guardians; said tickets to be good when presented by any child or children within the ages mentioned. (Code 1904, Art. 1017.)

Sec. 1183. Must Give Transfers—That any person who has paid the fares provided for herein, or by the law passed by the Legislature of the State of Texas, hereinbefore referred to, shall be entitled to receive, and said person, firm, corporation or receiver owning, running, leasing or operating any street railway within the corporate limits of said City of Houston, as aforesaid, is required to give to such person transfer ticket to any line of street railway owned, run, leased or operated by such person, firm, corporation or receiver, within said corporate limits of the City of Houston, which joins, connects with, crosses or intersects the line of street railway upon and over which said person has ridden, who has paid the fare provided by this chapter or by the law of the State of Texas before referred to, the said transfer ticket to be given such person on demand therefor, and said transfer ticket shall entitle such person, without further charge, to be carried on any such other line adjoining, connecting, crossing or intersecting the line on which the fare was paid, as aforesaid, owned, run, leased or operated by such person, firm, corporation or receiver, for a continuous trip of any distance on said line within the corporate limits of the said City of Houston, if passage be taken by the person holding the transfer on the first available car passing over the line named in the transfer

after alighting from the car on the line on which the original fare was paid. (Code 1904, Art. 1018.)

Sec. 1184. Cars Must Contain Notices of This Chapter—Each and every car or other vehicle subject to the provisions of this chapter shall be provided on the inside with two or more conspicuous notices containing so much of Section 1183 relating to transfer tickets as may be necessary, and it shall be the duty of every person, firm, corporation or receiver owning, leasing, running or operating such street railways, and of each and every person in charge of or operating the cars or other vehicles thereof, to provide such notices in said cars as aforesaid. (Code 1904, Art. 1019.)

Sec. 1185. Penalty for Conductors Not Supplying Transfers—Any person, firm, corporation or receivers, owning, leasing, running or operating such street railways within the corporate limits of the City of Houston, or any manager or superintendent thereof, by failing to sell the books of tickets herein provided for, or by refusing to permit any child between such ages to ride on such tickets, or who shall violate any provision or provisions of Sections 1180 to 1184, inclusive, shall be fined, upon conviction, not less than Twenty-five and not more than One Hundred Dollars, and any conductor or other person in charge and control of any car violating any of the provisions of Sections 1180 to 1184, inclusive, by refusing to deliver such transfer ticket, when demanded by a passenger entitled to same hereunder, or by violating said Sections 1180 to 1184, inclusive, or any of their provisions shall be fined not less than Twenty-five nor more than One Hundred Dollars upon conviction. (Code 1904, Art. 1020.)

Sec. 1185a. Penalty for Failure to Supply Books—Any manager, superintendent or other agent who shall fail or refuse to provide and keep supplied at any and all times a sufficient number of such transfers and children's tickets, as before provided, shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined in any sum not less than Twenty-five Dollars and not more than One Hundred Dollars for each and every offense. (Code 1904, Art. 1021.)

Sec. 1186. Not to Apply to More Than Two Lines—This chapter shall not be construed so as to require transportation to be furnished to any person over more than two lines of street railway for one fare. (Code 1904, Art. 1021.)

Sec. 1187. Children Under Five to Be Transported Free; When—All such persons, firms, corporations or receivers are required to transport children of the age of five years, or less, when attended by a passenger of above such age, free of charge. (Code 1904, Art. 1021.)

Sec. 1188. Free Transportation, to Whom, May Be Issued—That the Houston Electric Company, operating the system of city street railways in the City of Houston, is hereby expressly authorized and empowered to issue free passes and free transportation over said line of street railway, first, to all firemen or members of the Fire Department of the City of Houston; and second, to all police officers or policemen of the City of Houston; and all such firemen and members of the Fire Department, officers and policemen are expressly authorized to accept and use such free passage or transportation. (July 8, 1907; Ord. Bk. 2, p. 393, Sec. 1.)

CHAPTER XLI.

Streets, Sidewalks, Etc.

- Article 1.—Openings, Etc.
2.—Construction, Repairs, Etc.
3.—Obstructions.
4.—Awnings, Signs, Etc.
5.—Poles.
6.—Bill Posting.
7.—Traffic.
8.—Miscellaneous.

ARTICLE 1.

OPENINGS, ETC.

Sec. 1189. Unlawful to Make Opening Without Permit—

That it shall be unlawful for any person, firm or corporation or any officer, representative or employee of such corporation, to make or cause or permit to be made any cut or excavation in or under the surface of any public street, alley, sidewalk or other public place for the installation, repair or removal of any pipe, conduit, duct, tunnel or other structure, or for any purpose whatsoever, without first obtaining from the City Engineer a written permit to make such cut or excavation; provided, that the City Engineer shall not grant permits for the cutting or excavation for main or trunk line pipes or conduits under the public streets, alleys, or other public places in the City of Houston, unless permission has been first secured therefor from the Mayor of the City of Houston. But the City Engineer shall be authorized to grant a permit to lay any lateral or service pipe, where, in his judgment, it will be safe to do so, without the necessity of receiving the approval of the Mayor. (Oct. 28, 1913; Ord. Bk. 3, p. 487, Sec. 1.)

Sec. 1190. Openings for Main, Etc., Pipes Must Be Approved by Mayor—When the Mayor shall approve the making of any cut or excavation for main or trunk line pipes or conduits under the streets, alleys, sidewalks or other public places, his approval shall be endorsed upon an application addressed to the City Engineer, and upon said application and his approval thereof the City Engineer shall issue the necessary permit,

upon the applicant complying with such restrictions and obligations as the City Council may have attached to the granting of the same. (Id.)

Sec. 1191. Written Application for Permit to Make Must Be Filed, Etc.—Every person, firm or corporation desiring to make any cut or excavation under the surface of any public street, alley, sidewalk or other public place in the City of Houston shall file with the City Engineer a written application for a permit therefor, which application shall contain the residence or business address of the applicant and shall state in detail the location and area, length and width of each cut or excavation desired to be made, and said application shall also state that the applicant obligates and binds himself to defend at his own cost and expense any suit or suits, action or actions, claim or claims for damages which may be instituted against the city for any loss, costs, expense or damage charged or imposed upon it by reason of the granting of such permit or by reason of the manner in which said excavation is made or any work done in connection therewith; and said application shall also state that the applicant obligates himself to keep the excavated portion of such street in good repair for the period of one year after the said excavation has been made and refilled.

Said application in all cases shall be accompanied by a plat showing the location of each proposed cut or excavation proposed to be made in any street or alley or public place in the City of Houston, and the purpose for which the same is to be made and all such other details as the Engineer may require to be shown upon such plat; provided, however, that the filing of the plat shall not be required when the cuts or excavations are made for service connections only, or for the purpose of locating trouble in connection with the pipes already laid, or in making repairs thereto. (Id., Sec. 2.)

Sec. 1192. Unlawful to Make Other Opening, Etc., Than Called For and Shown on Application and Plat—It shall be unlawful for any person, firm or corporation or any officer, representative or employee of such corporation, to make or cause or permit to be made any cut or excavation or to install or maintain or cause or permit to be installed or maintained any pipe, conduit, duct, tunnel or other structure under the surface of any public street, alley, sidewalk or other public place at any other location than that described in the application and shown on the plat by such applicant as required by provisions of this article. (Id., Sec. 3.)

Sec. 1193. Granting of Permit For, Not an Exclusive Grant—Every permit for an excavation in or under the surface of any public street, alley, or other public place shall be granted subject to the right of the City of Houston or of any other person, firm or corporation entitled thereto to use that part of such street, alley or other public place for any purpose for which said street, alley or other public place may be lawfully used; and provided further, that the granting of any permit hereunder for the purpose of locating or placing any pipe, conduit, duct, tunnel or other structure shall not be construed to grant to such person or corporation any fixed or vested right in such location, but all of same shall be taken subject to the right of the City of Houston or any other person, firm or corporation entitled thereto to lay or place its pipe or pipes, conduits or other structures in or under such portion thereof over, under or across such pipe, conduits, ducts or other structures as may have been laid without cost or charge being exacted by the prior location for such use; and provided further, that all persons receiving permits to put or place pipes, conduits, ducts or other structures under the surface of any public street, alley or other public place in the City of Houston thereby obligate and bind themselves to move or change the location of their said pipes, conduits, ducts or other structures whenever required or instructed to so do by the City of Houston, and failure to so do or interference with any other person, firm or corporation in the matter of moving their pipe, conduit or other structure under any public street, alley or sidewalk, shall constitute an offense and be subject to the penalties provided by this article. (Id., Sec. 4.)

Sec. 1194. Policy of City to Require Laying of Pipes, Etc., Prior to Paving—That it is hereby declared to be the policy of the City of Houston from this time and henceforth to require that all pipes, conduits, tunnels and other structures in or under the surface of public streets, alleys, and other public places, shall all be made and laid prior to the paving of such street, alley, or public place, of which policy all future applicants for permits under this article are hereby required to take notice. (Id., Sec. 5.)

Sec. 1195. Action to Be Taken by City Engineer Before Issuing Permit; Not Transferable When Issued—When the application to cut or excavate, and the details shown upon the accompanying plat, when such plat is required, comply with the terms of this article and the requirements of the City Engineer, the same shall be approved by him and filed in his of-

fice as a public record. And the City Engineer shall, before the issuance of such permit, require such applicant to deposit a sum of money, either in cash or represented by a certified check on some bank in the City of Houston, payable to the City of Houston, in accordance with the following schedule of deposits:

Table of Deposits for Street Openings:

Asphalt street, per square yard.....	\$ 4.00
Minimum deposit	25.00
Brick street, per square yard.....	\$ 3.25
Minimum deposit	25.00
Wood Block street, per square yard.....	\$ 5.00
Minimum deposit	25.00
Cement street, per square yard.....	\$ 3.00
Minimum deposit	25.00
Gravel or Shell street, per square yard.....	\$ 1.25
Minimum deposit	25.00
Dirt street, per square yard.....	\$ 0.25
Minimum deposit	10.00

The above schedule of deposits shall govern the City Engineer in his estimate of the probable cost of restoring, after the same has been cut or opened, such public street, alley, sidewalk or other public place to its original condition as it existed before the making of such cut or excavation, together with the incidental expenses connected therewith, as herein-after set forth and provided in this article. Upon the deposit of the required amount of money, in cash or by certified check, a written permit shall be issued by the City Engineer to make such cut or excavation, and an account thereof shall be opened and kept. In the case of a permit to excavate or cut any street or any other public place which is now or may be paved hereafter, before the issuance of such permit, in addition to the foregoing requirements the applicant shall be required to comply strictly with all the restrictions and observe all of the obligations imposed by the Mayor and City Engineer when approving the application for such permit. The permit issued shall show the amount of the deposit and shall be a receipt therefor, and it shall specify the person, firm or corporation to whom issued, the street, alley, sidewalk or other public place and part or portions thereof to be cut or excavated and extent thereof. No such permit shall be transferable and every such permit shall become void unless the cut or excavation be commenced within sixty (60) days from the date of its issuance, and the work of making such excavation prosecuted

diligently to its completion; and a failure to so commence and diligently prosecute such work, in the opinion of the City Engineer, shall of itself cancel such permit, and it shall be the duty of the City Engineer in such event to cancel the same upon the records of his office. (Amendment Sec. 6, Jan. 26, 1914; Ord. Bk. 4, p. 39, Sec. 1.)

Sec. 1196. Crossings and Signals to Be Maintained—It shall be the duty of every person, firm or corporation making any cut or excavation in any public street, alley or other public place to maintain safe crossings for pedestrians and to maintain safe crossings for vehicles and other traffic at all street intersections and a white light or lantern shall be placed at such crossings to indicate safety, and where such intersections are not safe for crossing of vehicles or pedestrians a red light shall be placed at such crossings to indicate danger. (Oct. 28, 1913; Ord. Bk. 3, p. 487, Sec. 7.)

Sec. 1197. Access to Fire Hydrants; Disposition Excavated Material, Etc.—Free access must be provided to all fire hydrants and water gates; all materials excavated shall be laid compactly alongside of the trench and kept trimmed up so as to cause as little inconveniences as possible to the public traffic. If the street is not wide enough to hold the excavated material without using a part of the adjacent sidewalk, the person, firm or corporation by whom the excavation is being done shall erect a tight board fence upon and along such sidewalk and keep a passageway at least six feet in width open upon and along such sidewalk. All gutters shall be maintained free and unobstructed for the full width of the adjacent curb and for at least one foot in width from the face of such curb to the gutter line. Whenever a gutter crosses an intersecting street an adequate waterway shall be provided and at all times maintained and kept open. (Id., Sec. 7.)

Sec. 1198. Barriers and Signals—It shall also be the duty of every person, firm or corporation making any excavation in any public street, alley or other public place to place and maintain suitable barriers at each end of such excavation and at such places as may be necessary along the excavation, to prevent accidents, and shall also place and maintain red lights at each end of such excavation and at a distance of not more than fifty feet (50 ft.) apart along the line thereof from sunset each day to sunrise of the next day, until such excavation is entirely refilled; and it shall be unlawful for any person, firm or corpo-

ration to fail, refuse or neglect to comply with any requirements contained in this section. (Id., Sec. 8.)

Sec. 1199. Refilling; Notice From City Engineer to Refill; Refilling by City Engineer—After such excavation is finished the work of refilling the same shall be prosecuted with due diligence and so as not to obstruct or interfere with the use of the street for travel thereon any more than is absolutely necessary. If the work is not so prosecuted, or if the work of refilling does not, in the judgment of the City Engineer, comply with the terms of this article and the contract of the party making said excavation, the City Engineer shall notify the person, firm or corporation named in the permit that the said work is not being prosecuted with due diligence or that the refilling of such excavation has not been properly done, and he shall require such person, firm or corporation within five days after the service of written notice upon him, to proceed with the diligent prosecution of such work.

The notice here referred to may be served personally or by mailing the same to the residence or place of business of such person, firm or corporation; or such notice may be served by depositing the same in the postoffice in an envelope with postage fully paid addressed to such person, firm or corporation at such place of business or residence, if known, or if unknown, to the address of such person to the General Delivery of the City of Houston. If such notice is not complied with within five days from the mailing or service thereof, the City Engineer shall do such work as may be necessary to refill such excavation and to restore the street or other public place, or part thereof, excavated, to as good condition as same was in before such excavation was made, all to be paid for by the party or parties to whom said permit was granted, as hereinafter provided. (Id., Sec. 9.)

Sec. 1200. Manner of Refilling—All cuts or excavations in public streets, alleys or other public places in the City of Houston shall be refilled in the following manner, to-wit:

In streets which have not been graveled, macadamized or paved the trenches may be refilled with moist damp earth or by means of water-tamping, as the Engineer may direct. When the method of water-tamping is used, the water shall be turned into the trench after the first twelve inches of refilling has been deposited therein. The trench shall be kept flooded with water during the time that the remainder of the trench is being refilled. When the surface of the ground has been reached

the materials shall be allowed to settle and the trench shall then be again flooded and refilled to the level of the surface and again allowed to settle. After the material in the trench has become settled and compact the trench shall be filled to an elevation slightly above that of the street. (Id., Sec. 10.)

If the material is such that water-tamping will not, in the opinion of the City Engineer, be satisfactory, the trench shall be filled with moist material and tamped with heavy iron rammers in layers of six inches and the surface of refilling shall be left slightly above the surface of the street.

All longitudinal trenches of more than 100 feet in length must be rolled with a steam roller weighing not less than six (6) tons before the work will be approved.

On streets and other places which have been macadamized, graveled or shelled, the gravel, macadam or shell removed therefrom shall be kept separate from all other materials. The trench shall then be refilled to the satisfaction of the City Engineer in the same manner as above provided for the refilling of trenches on unpaved streets, but the earth refilling shall cease at an elevation of three inches below the surface of the street. The macadam, shell or gravel shall then be replaced on the surface of the filled trench and thoroughly tamped and rolled and left at an elevation of two inches above the level of the remainder of the street. All longitudinal trenches shall be thoroughly rolled with a roller weighing not less than six (6) tons before the work will be approved.

If the street or other public place in which such excavation is made has been paved with brick, wood block, bitulithic, asphaltic concrete or any other pavement requiring or having a substantial foundation of concrete or any other material, the trench shall be refilled with well rammed gravel, broken stone or brick-bats, concrete or other material, which in the opinion of the City Engineer can be so placed in the trench that there will be no settlement of the surface after it has been filled; or the trench may be refilled with earth in the same manner as that above described under this section for unimproved streets, and then covered with a concrete or a reinforced concrete slab at the option and discretion of the City Engineer, and in accordance with the plans for such work on file in the City Engineer's office. Where the slab above referred to is built its upper surface shall be at the required elevation to serve as a base or foundation for the pavement. After the trench has been refilled and the concrete slab is in proper condition to receive the pavement, the pavement torn up or damaged by

the excavation shall be replaced or built in accordance with the specifications then in use by the City of Houston for the laying of pavement of the kind as that which had been removed. If, however, in the judgment of the City Engineer of the City of Houston, it is thought to be for the best interest of the city the laying of the required pavement and concrete base shall be done by the City of Houston, he may do so either with day labor or by contract, at the option of the City Engineer, and the cost thereof shall be deducted from the funds which were deposited with the city at the time the permit was issued, or from any other funds in the hands of the city belonging to the person to whom said permit was granted. And if there are no such funds on hand sufficient to pay such expense, the party securing such permit shall nevertheless be liable to the City of Houston for all such costs as may have been incurred in replacing said foundation and pavement, and the city shall have the right to collect all such amounts by suit or otherwise.

If the city does not elect, however, to do the work of refilling said trench and relaying said pavement, then the party to whom said permit was granted shall, at his own cost and expense, do the work, and all such work must be done under the supervision and specifications of the City Engineer. (Id., Sec. 10.)

Sec. 1201. Refilling to Be Held Guaranteed for One (1) Year; Notice to Repair—The person, firm or corporation by whom any cut or excavation shall be made in any public street, alley, sidewalk or other public place shall, in addition to the guarantee of the workmanship and material done and to be done by him or them in the laying of the pipe or sewer placed in said cut or excavation, shall also be deemed and held to guarantee the work of refilling and repairing the street or alley for a period of one (1) year after the refilling of such cut or excavation has been made, against all defects in workmanship or materials. Whenever within such period of one (1) year any portion of the pavement or surface of any public street, alley, sidewalk or other public place so guaranteed becomes in need of repairs or shows that the same was not done in proper manner, by reason of any defect in workmanship or material, or on account of any lack of skill on the part of the party making such refill or excavation, the City Engineer shall serve upon the person, firm or corporation by whom the cut or excavation was made a written notice stating the repairs necessary, and requiring such repairs to be made

within five (5) days after service of such notice; such notice to be served in the manner required by Section 1199 and if the same is not complied with, the City Engineer shall at once make such repairs at the cost and expense of the party to whom said permit was originally granted. (Id., Sec. 11.)

Sec. 1202. Disposition Money Deposited; No Additional Permit if Not Satisfactorily Filled; Cost of Refilling by City Engineer—All deposits received by the City Engineer under this article shall be deposited with the proper receiving official of the City of Houston under its Charter and ordinances as soon as possible after receipt of same, and the money so deposited shall remain in said depository until the party to whom said permit was granted, or his or its representatives, shall refill the cut or excavation for which said permit was granted, to the entire satisfaction of the City Engineer, and when the said cut or excavation has been refilled to the entire satisfaction of said City Engineer, the balance of the money so remaining on hand shall be returned to the person, firm or corporation making the same, or to his or its assigns. But if, in the opinion of the City Engineer, said work is not properly done, he shall notify the person, firm or corporation that the work done by him or it is not satisfactory, and such person, firm or corporation shall immediately do everything necessary to refill said cut to the entire satisfaction of said City Engineer, and if the said work is not so done the City Engineer shall not issue any additional permits to the said person, firm or corporation until all such necessary repairs have been made and duly approved by the City Engineer. In case any of the work of refilling or repairing of the cut or excavation made under any permit is done by the City Engineer, he shall issue a voucher against the deposit made for the actual cost of such work, including all incidental and necessary expense incurred or paid by the city or other person, plus ten per cent. (10%), as compensation to the city for the work and expense of said repairing or refilling. In the event the deposit has been refunded to the person, firm or corporation making the same prior to the discovery of such defects or insufficient work of repairing or refilling said cut or excavation, the City Engineer shall first receive the approval of the Mayor before making such repairs or refilling. The voucher of the City Engineer as to the actual cost of refilling or repairing, and as to the incidental and necessary expense, plus ten per cent. (10%), made in pursuance of this article, shall be final and conclusive as to such matters. (Id., Sec. 12.)

Sec. 1203. All Work Done Under Supervision City Engineer or Representative—All excavations, cuts and refilling or repairing done in pursuance of this article shall be made under the supervision and direction of the City Engineer or his representative, and it shall be his duty, either in person or by his representative, to supervise all such making and refilling of cuts and excavations and the repairing of same, and to require the same to be done in compliance with the requirements of this and all other ordinances of the City of Houston. (Id., Sec. 13.)

Sec. 1204. Unlawful to Install Less Than Two (2) Feet Below Established Grade, Etc.—It shall be unlawful for any person, firm or corporation or any officer, receiver or employee of such corporation to install or cause or permit to be installed any service pipe or main pipe, conduit, duct, tunnel or other structure, except manholes, culverts and catch-basins, in any public street, alley, sidewalk or other public place at a depth of less than two (2) feet below the established grade of the gutter of such public street, sidewalk, alley or other public place. (Id., Sec. 14.)

Sec. 1205. Maps and Corrected Maps to Be Filed; Statements as to Abandoned Pipes, Etc.—It is hereby made the duty of every person, firm or corporation owning, using, controlling or having an interest in pipes, conduits, ducts or tunnels under the surface of any public street, alley, sidewalk or other public place for supplying or conveying gas, electricity, water, steam, ammonia or oil in, to or from the City of Houston, or to or from its inhabitants, or for any other purpose, to file in the office of the City Engineer a map or a set of maps, each drawn to a scale 200 feet to one inch, which said map or set of maps shall be on tracing cloth to be furnished in sheets 15½ inches by 23 inches, with a border 1½ inches on the left hand, and shall show in detail the exact location, size, description and date of installation, if known, of all holes, laterals and service pipes, and of all valves, pressure regulators, drips, manholes, handholes, transform chambers or other appliances installed beneath the surface of the public streets, alleys, sidewalks or other public places in the City of Houston, belonging to, used by or under the control of such person, firm or corporation, or in which such person, firm or corporation has an interest. It shall also be the duty of every person, firm or corporation to file, within fifteen (15) days after the first day of January of each and every year, a corrected map or set of maps, each drawn to a scale of not less than 200 feet to one

inch, showing the complete installation of all such pipes and other appliances, including all installations made during the previous year, to and including the last day of such year. Each such map shall be accompanied by an affidavit endorsed thereon, subscribed and sworn to by such person, or by a member of such firm, or by the president or secretary of such corporation, to the effect that the same correctly exhibits the details required by this article to be shown thereon.

Whenever any pipe, conduit, duct, tunnel or other structure located under the surface of any public street, alley or other public place, or the use thereof, is abandoned, the person, firm or corporation owning, using, controlling or having an interest therein, shall, within thirty (30) days after such abandonment, file in the office of the City Engineer a statement in writing giving in detail the location of the pipe, conduit, duct, tunnel or other structure so abandoned. Each map or set of maps filed pursuant to the provisions of this section shall show in detail the location of all such pipes, conduits, ducts, tunnels or other structures abandoned subsequent to the filing of the last preceding map or set of maps.

It shall be unlawful for any person, firm or corporation to fail, refuse or neglect to file any map or set of maps at the time, and in all respects as required by this section. (Id., Sec. 15.)

Sec. 1206. Unlawful to Make Excavations, Etc., for Removal of Soil, Etc.—It shall be unlawful for any person, firm or corporation, or any officer, receiver or employee of such corporation to make, or cause, or permit to be made any cut or excavation in any paved or unimproved public street, alley or other public place, to remove any soil or gravel therefrom without the consent of the Mayor of the City of Houston. (Id., Sec. 16.)

Sec. 1207. Original Permit or Number Thereof to Be Kept at Work, Etc.—Any person, firm or corporation engaged in the making or refilling of any excavation in any public street, alley or other public place shall at all times while work is in progress, keep at the place where such excavation is located the original permit (or the number thereof) for such excavation, and must on demand exhibit the same to the City Engineer, or to any of his inspectors or other employees, or to any police officer. (Id., Sec. 17.)

Sec. 1208. Provisions Do Not Apply to Work Under Contract Authorized by City Council—None of the provisions of

this article shall apply to any work done or to be done along any or upon any public street, alley or other public place pursuant to any contract for improvement authorized by the City Council; provided, however, that the provisions contained in Sections 1196 and 1197 shall apply to all such work and to all excavations to be made in and upon any street, alley or other public place. (Id., Sec. 18.)

Sec. 1209. This Article Does Not Apply Officers, Etc., of City of Houston, Etc.—The provisions of this article shall not apply to cuts and excavations made by any department, board or officer of the City of Houston in the discharge of its or his official or administrative duties, except that prior to the making of any opening by such department, board or officer, a notice shall be filed in the office of the City Engineer giving the location of said opening, the purpose for which it is made, the date that the excavation will be begun, and the size and extent thereof, and all refilling shall be done under the supervision of the City Engineer and according to specifications furnished from said Engineer's office. (Id., Art. 19.)

Sec. 1210. Does Not Prohibit Work to Save Life or Property—Nothing in this article contained shall be construed to prevent any person, firm or corporation maintaining a pipe or conduit in any public street, alley or other public place, by virtue of any law, ordinance or permit, from making such excavation or cut as may be necessary for the preservation of life or property, when such necessity arises during such time as the officers of the city are not accessible, or such hours as the offices of the city are closed; provided, that the person, firm or corporation making such excavation or cut shall obtain a permit therefor within four (4) hours after the offices of the city are first opened subsequent to the making of such cut or excavation; provided further, that the City Council may approve applications for permits to cut or excavate streets, etc., and direct the City Engineer with reference to the issuance of such permit, in executive or administrative session. (Id., Sec. 20.)

Sec. 1211. Penalty—That any person, firm or corporation or any officer, receiver or employee of such corporation violating any of the preceding provisions of this article shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than Ten Dollars (\$10.00) nor more than Two Hundred Dollars (\$200.00), and every day, during any portion of which any violation of any

provision of the preceding section continues, shall be deemed a separate offense. (Id., Sec. 21.)

Sec. 1212. Permit Fee—Before any permit shall be granted under this article the applicant therefor shall pay to the City Engineer a permit fee of Fifty Cents (50c) for each opening in a street, alley, sidewalk or other public place for which a permit shall be granted hereunder, irrespective of the length thereof, which fee shall be retained by the City of Houston. (Amendment Sec. 22, Jan. 26, 1914, Ord. Bk. 4, p. —, Sec. 2.)

Sec. 1213. Previous Offenses, Etc., Not Abated by Repeal of Conflicting Ordinances—That all ordinances and parts of ordinances in conflict herewith be and the same are hereby repealed; provided, that the repeal of said ordinances shall not abate any offense committed thereunder, or exempt from punishment any person, firm or corporation for violation of said ordinance so repealed, nor relieve or release any such person, firm or corporation from any liability to the City of Houston under said ordinances so repealed, but all offenses heretofore committed and liabilities heretofore incurred shall be subject to punishment or recovery, the same as if said ordinance had not been repealed. (Oct. 28, 1913, Ord. Bk. 3, p. 487, Sec. 23.)

Sec. 1214. Unlawful to Dig Holes in Said Streets—It shall be unlawful for any person to pick or dig holes in said streets or drive any sharp instrument therein that will make a hole. (Code 1904, Art. 703.)

Sec. 1215. Penalty—Any person or persons violating any of the provisions of the preceding section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not more than One Hundred Dollars (\$100.00). (Sept. 5, 1905.)

ARTICLE 2.

CONSTRUCTION, REPAIRS, ETC.

Sec. 1216. Improvement of Streets and Sidewalks—The City Council will, from time to time, pass such ordinances, resolutions and orders as may be necessary for the grading and improvement of the streets and sidewalks of the city. (Code 1904, Art. 685.)

Sec. 1217. City Engineer Shall Fix Bounds and Limits—It shall be the duty of the City Engineer to survey and lay

off the several sidewalks along the several streets of the city, and fix the bounds and limits between the sidewalks and the streets. (Code 1904, Art. 686.)

Sec. 1218. City Engineer May Lower the Grade of Streets—That when it shall be deemed advisable on the part of the City Engineer to excavate or lower the grade of any street in the City of Houston, a contract, to be approved by the Mayor, may be made with any person desiring to use the dirt therefrom by allowing such person to make such excavations under the superintendence and supervision and according to grade established by the City Engineer, but no such person shall be allowed to remove or take such earth or dirt without paying to the city the sum of at least Ten Cents (10c) per cubic yard, which payment may be made either in cash or services furnished by using part of said dirt in filling other streets or other property for the City of Houston. (Code 1904, Art. 705.)

Sec. 1219. Unlawful to Construct Roads or Bridges Without Consent of Council—It shall not be lawful for any person, firm or corporation to lay out, survey, grade, construct, or run any road or railway, or make any other public improvement within, through or over any street, public or private grounds in any portion of the city, nor build, erect, or construct across Buffalo Bayou any bridge without the consent of the City Council first had and obtained. Each day that such unlawful work progresses, or such unlawful structure remains, shall be held to be a separate offense. (Code 1904, Art. 722.)

Sec. 1220. Construction of Returns or Driveways to Prevent Obstruction of Drainage—That it is hereby made the duty of all persons owning property abutting on paved streets in the City of Houston to construct or cause to be constructed, at their own cost and expense, returns or driveways paved with brick, stone or other durable material, leading from curb line to the property line on such lots as may be necessary to enter with any vehicle from the street, on such grade as may be furnished by the City Engineer, and in doing such work property owners shall have the right to cut down the curb wall, but only as may be directed by the City Engineer. It shall be the duty of the City Engineer, on the application of any property owner, to furnish the correct grade for said proposed returns or driveways free of cost, and the work of constructing said driveways shall be done under his supervision. (Id., Art. 732.)

Sec. 1221. Drainage; Area Shall Not Be Reduced—It is hereby made the duty of all persons owning property on paved streets and in front of whose property wooden or other crossings from the curb wall to the pavement have been constructed, to at once remove the same and construct driveways as is provided in the foregoing section, and on unpaved streets it shall be the duty of property owners to have all crossings over drains so constructed that they shall in no wise reduce the area of drainage, and the same condition as to cutting any curb wall shall obtain as is provided in the case of paved streets. (Id., Art. 733.)

Sec. 1222. Penalty—Any person or persons violating any of the preceding provisions of this article shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not more than One Hundred Dollars (\$100.00). (Sept. 5, 1905.)

Sec. 1223. Shall Keep \$200.00 on Deposit with City Treasurer—Every telegraph and telephone and electric light company doing business in this city shall keep on deposit with the Treasurer the sum of Two Hundred Dollars (\$200.00), subject to the order of the City Engineer, after approval of Mayor and Finance Committee, to be used by him in restoring any sidewalk, gutter, street, alley or pavement displaced or injured in the erection, alteration or removal of any pole of such companies when such company fails or refuses to make such restoration to the satisfaction of said Engineer. Any company failing to make such deposit within five days after commencing business, if a new company, or which shall fail to make good the amount when a portion of it has been expended as herein provided within five days after notice to so do has been sent by the City Engineer, shall be deemed guilty of a misdemeanor and punished as hereinafter provided. (Code 1904, Art. 122.)

Sec. 1224. Penalty—Every violation of the provisions of the preceding section shall constitute a misdemeanor, and the persons, company or corporation or any employee, agent, manager or officers thereof guilty of violating any of the provisions shall upon conviction thereof be fined not less than Ten Dollars (\$10.00) and not more than One Hundred Dollars (\$100.00) for each offense, and every violation of and each and every day's failure or refusal to comply with said provisions shall constitute a separate offense, and in case of wilful and continued violation of such section by any such person,

company or corporation as aforesaid, or their agents, employee, servant or officers, the city shall have the power to revoke and repeal any ordinance under which said person, company or corporation may be acting, and to revoke and repeal all permits, privileges and franchises granted to said persons, company or corporation as aforesaid. (Id., Art. 125.)

Sec. 1225. Compelling Construction, Etc., Sidewalks, Etc.; Cost of, Etc.; How Paid When Work Done by City—It shall be and it is hereby made the duty of every owner of real estate in the City of Houston, abutting on any public street in said city, in front of which real estate or along which street the City Council may order the construction, reconstruction or repair, or bringing to grade of sidewalks, driveways, curbs or gutters, or either of them, to construct, reconstruct or repair the same or bring the same to grade, as the case may be, in accordance with the terms of said order, the specifications hereinafter set out and adopted, and on the line and grade as established by the City Engineer for the particular block, street or community in which said real estate may be situated. And said property owners shall construct said improvements in front of their respective property after the giving of notice as elsewhere prescribed in this article within the time fixed by the City Council; and after the expiration of the time indicated in the notice to construct, reconstruct, repair or regrade, if the abutting owner shall not have built said improvements as ordered and indicated in the notice, then the City of Houston shall have the right to construct the same in accordance with the order for the same, and the standard specifications hereinafter set out under the supervision of the City Engineer, and may advertise for bids or may itself construct said pavements, and at the expense of the abutting property owner, and may recover a personal judgment in any court having jurisdiction of the amount for the costs and expense in constructing, reconstructing, repairing or regrading said sidewalks, driveways, curbs and gutters, with ten per cent. (10%) additional for attorney's fees, and may by ordinance fix a lien on the property improved. (April 8, 1914, Ord. Bk. 4, p. —, Sec. 1.)

Sec. 1226. City Council to Order Construction, Etc.; Materials to Be Used—Whenever it shall be found necessary by the City Council that sidewalks, driveways, curbs and gutters, or either of them, be constructed, reconstructed or repaired or brought to grade along or in front of any real estate abutting upon any public street in said city, the City Council shall desig-

nate the lot or lots, block, street or community in which said work is deemed necessary, and shall order the construction, reconstruction, repair or regrading of said improvements, prescribe the width of the sidewalks, the kind and character of the material out of which it shall be built, and the building of all such improvements according to the line and grade as fixed by the City Engineer, and the specifications adopted by the City of Houston, and designate the time within which said improvements shall be completed.

The said sidewalks shall be constructed of either cement, concrete, asphalt, or other durable material as the Council may designate, and the order of the City Council shall designate the material or materials to be used. No driveways, curbs or gutters shall be built of other material than cement or concrete. (Id., Sec. 2.)

Sec. 1227. Standard Specifications for Cement Sidewalks, Driveways, Curbs and Gutters—The City of Houston hereby adopts and approves as standard specifications for cement sidewalks, driveways, curbs and gutters the following:

Cement or concrete sidewalks, driveways, curbs and gutters shall be built of Portland cement, fine aggregate and coarse aggregate.

Fine Aggregate—The fine aggregate may be either a very coarse clean sand, or the fine product of a rock crusher made from a very hard rock, such as trap rock, quartz, flint or granite. The fine aggregate shall be uniformly graded in size from one-quarter ($\frac{1}{4}$) inch down, but not more than ten per cent. (10%) shall pass a screen having thirty (30) meshes to the lineal inch.

Coarse Aggregate—The coarse aggregate may be either a clean, hard, angular gravel or crushed rock, varying in size from one-quarter ($\frac{1}{4}$) inch to one and one-half ($1\frac{1}{2}$) inch. The stone from which such crushed rock is made must not be softer than a very hard grade of lime stone.

Top Finish—The top finish shall be a mortar composed of one part Portland cement and one and one-half parts of fine aggregate, thoroughly mixed dry before the addition of water. Where top finish is used for the finishing of horizontal surfaces, it must be applied to the concrete before the concrete has been in place more than ten minutes. Where top finish is used on vertical faces, such as the face of a curb, it must be plastered against the form as the concrete is built up in the form. After the form is removed (which should be done

before the top finish has received its final set) the surface shall be troweled and then brushed to remove trowel marks. The only plastering that will be allowed will be on spots that are roughened by the removal of forms, and such plastering shall be done as soon as the forms are removed. All top finish shall be protected from the hot sun and kept moist for a period of three days after being placed.

Concrete Body—The concrete body shall be composed of one part of Portland cement, and two and one-half parts fine aggregate and four parts of coarse aggregate.

The above proportions are based on the assumption that the fine and coarse aggregate are well graded. If, in the opinion of the City Engineer, they are not well graded, then the concrete shall be so proportioned that the mortar shall contain ten per cent. (10%) more cement than is required to fill the voids in the fine aggregate, and the quality of mortar shall be ten per cent. (10%) more than is required to fill the voids in the coarse aggregate.

Foundation—The foundation shall consist of firm hard soil, from which all vegetable matter and other loose material has been removed. In the event that it is necessary to build up the foundation, the same shall be done with selected earth or other material satisfactory to the City Engineer, and shall be built up and tamped in six inch layers.

Cushion—Under all sidewalks there may be constructed a cushion not less than two (2) inches in depth, composed of coarse gravel (from which the sand has been removed), slag, cinders, or other porous material which will make a cushion satisfactory to the City Engineer, and which will act as a drain and will also serve as a suitable cushion for the concrete work. The cushion shall be wet and thoroughly tamped before the sidewalk is built thereon.

Location and Grade—All sidewalks, driveways, curbs and gutters shall be built as located by the City Engineer, and on the grade established by him. At street intersections and at other places the curb and gutter may be built on a radius of eight (8) feet or less, as the City Engineer may direct, and the contractor in charge of said work shall receive no extra compensation on account of such work being on a curved alignment. Where driveways occur into private property across the parkways between the curb line and the sidewalk, such driveways shall be built with a return curb, having a vertical face and joining the main curb of the street with a two (2) foot radius.

Curbs—Standard curbs shall be six (6) inches in thickness and twenty-four (24) inches in height. They shall be built of concrete with the exception of the face next to the street and the top, which shall be composed of from one-half ($\frac{1}{2}$) to three-quarters ($\frac{3}{4}$) inch top finish. The outer corner of the curb shall be rounded to a three-quarter ($\frac{3}{4}$) inch radius, as shown on the standard designs on file in the City Engineer's office.

Gutters—Standard gutters shall be six (6) inches in thickness and eighteen (18) inches in width. The top three-quarter ($\frac{3}{4}$) inch shall be composed of top finish.

Combined Curb and Gutter—The standard curb and gutter shall consist of a curb six (6) inches in thickness and fourteen (14) inches in height, combined with standard gutter, all built as a monolithic structure. The outer corner of the curb shall be rounded to three-quarter ($\frac{3}{4}$) inch radius. The combined curb and gutter shall have the exposed surfaces finished with three-quarter ($\frac{3}{4}$) inch top finish. The curb face may be increased from six (6) to eight (8) inches by direction of the City Engineer; provided, that no curb face shall be less than six (6) inches nor more than eight (8) inches in width.

Sidewalks—Standard sidewalks shall be composed of from three and one-half ($3\frac{1}{2}$) to four and one-quarter ($4\frac{1}{4}$) inches of concrete and one-half ($\frac{1}{2}$) to three-quarter ($\frac{3}{4}$) inch top finish, making a total of four to five inches in thickness. The maker's name shall be stamped on each sidewalk built by him in letters not less than one and one-quarter ($1\frac{1}{4}$) inches high and not less than one-quarter ($\frac{1}{4}$) inch deep.

Driveways—Standard concrete driveways from the curb line to the property line shall be built of five (5) inches of concrete and one (1) inch of top finish. They shall be marked with a suitable tool at intervals of five (5) or six (6) inches across the driveway to furnish a suitable foothold.

Change in Dimensions—The change in the width of curb face herein allowed shall in no case be construed as allowing a change in the standard specifications herein adopted.

Joints—Joints shall be provided every six (6) feet. These joints shall be at least one-eighth ($\frac{1}{8}$) inch wide and shall extend clear through the sidewalk, driveway, curb and gutter. Where a sidewalk runs out to the back of the curb, an expansion joint three-quarter ($\frac{3}{4}$) inch wide shall be provided. On all sidewalks an expansion joint one-half ($\frac{1}{2}$) inch wide shall be provided every thirty-six (36) feet.

General—In general, all forms shall be smooth; the work shall be done in a workmanlike manner, giving straight lines where required, true planes and a smooth finish, properly brushed, to remove marks, and shall be in every way satisfactory to the City Engineer. When the work is completed all rubbish, surplus excavated material, forms and surplus material shall be removed, and the work left in a neat and orderly manner. (Id., Sec. 3.)

Sec. 1228. City Engineer to Establish Lines, Etc.; to Prepare Specifications When—All petitions for the creation of sidewalk districts or for the building of sidewalks under the supervision of the city, or matters of constructing, reconstructing, repairing or regrading sidewalks, curbs, gutters or driveways, whether initiated by petition or by action of the City Council, shall be referred to the City Engineer, whose duty it shall be to establish forthwith the line and grade upon which any sidewalk, driveway, curb or gutter shall be built. If the City Council shall select other material than cement or concrete for the building of sidewalks, it shall be the duty of the City Engineer to prepare specifications therefor, and the property owners shall build said sidewalks in accordance with said specifications and on the line and grade established by the City Engineer. (Id., Sec. 4.)

Sec. 1229. Permit Necessary for Construction, Etc.—It shall be unlawful to construct, reconstruct, repair or regrade any sidewalk, driveway, curb or gutter in the City of Houston without obtaining a permit therefor from the City Engineer. Application therefor shall be made to the City Engineer stating the nature and extent of the proposed improvements, with the location by lot, block and street number. The City Engineer shall issue no permits hereunder, nor under any order of the City Council hereafter passed ordering the construction, reconstruction, repair or bringing to grade of sidewalks, driveways, curbs and gutters until he has staked out the proposed work and made a permanent record of the line and grade as established by him. No fee shall be charged for the issuance of said permit, or for the staking of said work. (Id., Sec. 5.)

Sec. 1230. Notice to Construct, Etc.; Sidewalks, Etc.; Contents; Service—That when the City Council of the City of Houston shall have ordered the construction, reconstruction, repair or regrading of sidewalks, driveways, curbs and gutters, and designated the real estate, lot or lots in front of which or street or portion thereof or community in which said improve-

ments are required to be made, it shall be the duty of the Mayor to serve notice that said improvements must be laid by the owners of the abutting property, showing the width of the sidewalks, and the material or materials out of which the same shall be constructed, and the time within which said improvement shall be completed, and the estimated cost thereof per square or lineal foot. Said notice may be served by an officer of the City of Houston designated by the Mayor for that purpose, and service may be made by delivering a copy thereof to the owner of the abutting property, or to any tenant of the owner living on the particular real estate included in said order; or if said property is unoccupied and the owner or his authorized agent cannot be found, then notice may be given by posting a copy thereof upon the property, and such officer shall make due return to the Mayor stating the manner and time of service thereof, which return when produced in court shall preclude any question as to whether or not sufficient notice has been given. In lieu of the above notice, the Mayor may cause to be mailed to the postoffice address of the owner, and the mailing of such notice shall constitute sufficient notice, whether received or not. Or notice may be given by publishing a brief summary of said order once in some daily newspaper published in the City of Houston, of general circulation, addressed "Sidewalk Improvements; To Whom It May Concern," at least thirty days before said pavement is required to be completed, and such publication in the paper shall be deemed a sufficient notice. Notice will be sufficient if given to the property owner in any one of the ways above indicated. (Id., Sec. 6.)

Sec. 1231. Sidewalks, Etc., Already Constructed; Unlawful to Construct Different, Etc., Than Ordered; Penalty—In the event in the judgment of the Mayor and City Council, there shall be already constructed in the street or streets or portion of a street, or along any property designated by the order for construction, reconstruction, repair or bringing to grade of any sidewalk, driveway, curb or gutter, a sufficient and adequate improvement of the kind designated, in a state of good repair, then in such event the Mayor shall not be required to give the notice herein provided for, and the property owner shall not be required to reconstruct, repair or regrade the same, except as provided for on streets being permanently paved; but after the passage of any order prescribing the construction, reconstruction, repair or regrading of sidewalks, curbs, gutters or driveways, or any of them, it shall be unlaw-

ful for the owner to construct any other or different sidewalk, driveway, curb or gutter than that prescribed in said order; and any person, after the passage of such order, who shall construct a sidewalk, driveway, curb or gutter different from that prescribed in said order shall be deemed guilty of an offense, and upon conviction shall be fined not less than Five Dollars (\$5.00) nor more than Two Hundred Dollars (\$200.00). (Id., Sec. 7.)

Sec. 1232. Contract Provision—No contract for the construction of any sidewalk, driveway, curb or gutter ordered by the City Council shall be made which shall provide a longer time for the completion of said work than the time fixed by said City Council. (Id., Sec. 8.)

Sec. 1233. City May Refuse to Pave Street, Etc.; Until Sidewalks Laid—The City of Houston shall have the right, and it is hereby expressly reserved, to refuse to pave with brick, asphalt, stone or gravel, any street unless and until the owners of abutting property shall previously lay in the manner prescribed by the City Council curbs and sidewalks thereon. (Id., Sec. 9.)

Sec. 1234. City of Houston May Construct, Etc.; Procedure, Etc.—Any property owner or his duly authorized agent, who shall desire the City of Houston to construct for him, any sidewalk, driveway, curb or gutter, or to reconstruct, or repair or regrade the same, shall have the right to petition the City Council therefor, asking that said work be performed at the cost and expense of the petitioner, offering to defray all costs of advertising for bids, if any, letting contract and cost of grading, constructing and finishing, and designate the terms upon which he can pay. Upon receiving such petition, the same shall be referred to the City Engineer, who shall determine forthwith the line and grade, make a record thereof and estimate the cost of construction, including the advertising for bids, if necessary, and report to the Council. Should the Council see fit to grant such petition, it shall determine the material out of which said improvements shall be constructed and the manner of payment therefor. Before any work of sidewalk, driveway, curb or gutter construction shall be undertaken by the city for any property owner, said property owner shall comply with all requirements of the City of Houston as to payment therefor, either in cash in advance, or part cash and the giving of security for the unpaid balance. The City of Houston shall have the right to award any quantity of work

under this section to a general contractor whose bid shall be accepted by the Council as the lowest and best secure bid for the construction of sidewalks, driveways, curbs and gutters during a stipulated time, not to exceed one year. (Id., Sec. 10.)

Sec. 1235. Sidewalk, Etc., Builders Must Give Bond—No person, firm or corporation (except persons laying permanent street pavement under contract with the city) shall be entitled to construct, reconstruct or repair any sidewalk, driveway, curb or gutter in the City of Houston unless the said builder shall first execute to the City of Houston a yearly bond in the sum of Two Thousand Dollars (\$2000.00), payable to said city, with two or more sureties, or with a corporate surety authorized to do business in Texas, conditioned that the principal therein will construct, reconstruct or regrade all sidewalks, driveways, curbs or gutters in accordance with the ordinances of the City of Houston and on the line and grade as established by the City Engineer, and further that such person will save the City of Houston harmless from all loss or damage to any person, of whatsoever character, arising by reason of negligence on the part of the contractor in performing said work, or in leaving the same unguarded, or from any other cause. The said bond shall further recite that all work done by the contractor during the year for which said bond shall hold good, shall be performed to the satisfaction of the City Engineer. (Id., Sec. 11.)

Sec. 1236. Penalty—Any person constructing, reconstructing, repairing or regrading any sidewalk, driveway, curb or gutter who shall fail to give first the bond above required, or who shall construct, reconstruct, or repair any sidewalk, driveway, curb or gutter without obtaining from the City Engineer the line and grade therefor, or who shall construct any sidewalk, driveway, curb or gutter on any other line and grade than that given by the City Engineer, or without obtaining a permit therefor, as herein required, or who shall fail to construct, reconstruct, repair or regrade any sidewalk, driveway, curb or gutter after notice so to do, or who shall violate any other provision of this article, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not less than Five Dollars nor more than Two Hundred Dollars; but no bond or permit for such work shall be required of contractors paving in front thereof. (Id., Sec. 12.)

Sec. 1237. Construction Foregoing Provisions—That the foregoing sections shall apply to and govern the construction

or reconstruction of sidewalks, driveways, curbs or gutters in connection with the erection of buildings in the City of Houston. (Id., Sec. 13.)

Sec. 1237a. Resolutions by City With Reference to Sidewalks, Etc.—The City of Houston hereby expressly reserves the right, when putting down a permanent street pavement, either by original construction or reconstruction, to change or alter the lines and grades of said permanent pavement and of the sidewalks, driveways, curbs and gutters on said street, when in the opinion of the City Council such change is necessary for the proper pavement or drainage of said street, and without liability on the part of the city by reason of said change. In the event that a sidewalk or driveway the line or grade of which is changed is in good condition and does not, in the opinion of the City Council, require entire reconstruction, the owner thereof shall be given notice as herein provided in other cases, to break said sidewalk or driveway back to a point fixed by the City Engineer, and to remove the broken portion and reconstruct said portion of the line and grade determined by the City Engineer, at the cost of said abutting owner. In the event said owner shall fail or refuse to obey the order of the City Council, he shall be subject to all the penalties of this article, and the City Council shall have the right to have said breaking and reconstructing to grade of said sidewalk or driveway done by the paving contractor, or other person, at the expense of the abutting owner. (Id., Sec. 14.)

ARTICLE 3.

OBSTRUCTIONS.

Sec. 1238. Unlawful to Dig a Ditch Across Street or Sidewalk—It shall not be lawful for any person or corporation to dig or cut any ditch, or make any opening on or across any street or sidewalk within the limits of the city, except for draining. (Code 1904, Art. 688.)

Sec. 1239. Storing or Vending Fruits, Etc., on Sidewalks—It shall be unlawful for any person, firm, association of persons, or corporation to store or expose for sale or to sell on any sidewalk or street in the City of Houston any fruits, nuts, candies, cigars, tobacco, soda water or any other goods, wares and merchandise, or to occupy any sidewalk or street of said City of Houston with any bootblack stand, booth or other frame structure for carrying on any business or occupation, or to allow any boxes or merchandise to remain on the sidewalk;

provided, however, that the sidewalks in front of the Market House Square on Preston and Congress Avenues next to the Market House are excluded and excepted from this section, and stalls, stands and privileges may be rented and leased by the Market Master thereon, subject to and in accordance with the rules and regulations now in force, or as may hereafter be prescribed from time to time with reference to the renting and leasing of stalls, stands and privileges within said Market House; provided, further, that nothing herein shall be held to repeal Sections 601 to 606, inclusive, of this revised code. (Amendment Sept. 22, 1913; Ord. Bk. 3, p. 451.)

Sec. 1240. Penalty—Any person, firm or corporation violating any of the provisions of the next preceding section shall be fined in any sum not less than Ten Dollars and not more than One Hundred Dollars, and that each and every day that such violation shall continue shall constitute a separate and distinct offense. (Code 1904, Art. 695.)

Sec. 1241. Limbs, Etc., Trees Must Be 8 Feet Above Sidewalks; Penalty—It shall be the duty of the owners and occupants of lots in the City of Houston in front of and adjacent to which shade trees are growing in the streets, to keep the same trimmed up in such a manner that the limbs and branches of the same overhanging the sidewalks shall be at least eight feet above the ground; and any owner or occupant of any lot or tract of ground in the city who shall fail to comply with the provisions of this section shall be fined.

Any person violating any provisions of this section must be fined not less than Five nor more than One Hundred Dollars. (Code 1904, Art. 381.)

Sec. 1242. Railings Prohibited on Sidewalks in Stock Limits—It shall be unlawful for any person, firm or corporation to erect or maintain within that certain district or portion of the City of Houston known as and included in the stock limits of said city, any railing or fence along the sidewalks next to the street. (Code 1904, Art. 696.)

Sec. 1243. Railings May Be Erected Outside Stock Limits, and Character of Same—In that portion or district of said City of Houston beyond or outside of the stock limits, it shall be lawful to erect and maintain railings or fences around and along the sidewalks next to the street by persons, firms or corporations owning the abutting property, for the purpose of preventing animals from trespassing upon said sidewalks; provided, that same are erected in such manner, with turn

gates at each end and each street crossing, as not to inconvenience the passage of pedestrians along said sidewalk, and same not more than thirty inches in height. (Code 1904, Art. 697.)

Sec. 1244. Running Wheelbarrows or Handcarts on Sidewalks—Any person who rolls, pushes or runs any wheelbarrow or handcart on any paved sidewalk (except in crossing to go in and out of the lot or building of the owner, or in such other place as may be necessary for the purpose of loading or unloading), must be fined not less than One nor more than One Hundred Dollars. (Code 1904, Art. 723.)

Sec. 1245. Impeding Passage—Any person who in any manner impedes the safe and free passage of persons or vehicles along the streets, must be fined not less than One nor more than One Hundred Dollars. (Code 1904, Art. 724.)

Sec. 1246. Endangering Passage While Building or Repairing—Any person who leaves any excavation in any street or sidewalk, or any material while building or repairing any house or other structure, in such condition as to endanger persons passing along the street or sidewalk, without a signal by day and lamp by night, must be fined not less than One nor more than One Hundred Dollars. (Code 1904, Art. 725.)

Sec. 1247. Riding or Driving on Sidewalks—Any person who shall ride or drive with any animal, vehicle or bicycle upon or over any sidewalk or gutter between the roadway or graded street and the lot or lots abutting on such street, except for the purpose of access to or from such abutting lot or lots, shall be fined not less than One Dollar (\$1.00) nor more than One Hundred Dollars (\$100.00). (Code 1904, Art. 726.)

Sec. 1248. Tying Animals to Lamp Posts, Etc.—Any person who ties or fastens any animal to any lamp post, or to any fence or tree, the property of another, must be fined not less than One Dollar (\$1.00) nor more than One Hundred Dollars (\$100.00). (Id., Art. 727.)

Sec. 1249. Removing Material from or Placing Obstructions Upon Streets—That every person, persons or corporation is prohibited from removing any street construction materials, articles or substances placed on or in any street of the City of Houston, or to place any obstruction on the streets

of the city without first obtaining the written permission of the Mayor of the City of Houston. (Code 1904, Art. 730.)

Sec. 1250. Driving Across or Obstructing Ditches—Any person who shall drive, or cause to be driven, any horses, cattle, sheep, hogs or other animals across any ditch at any place or places except the regular bridges across said ditch, or who shall throw or deposit in said ditch anything which will in any way obstruct the free flow of water through the same, must be fined in a sum not more than Twenty-five Dollars (\$25.00). (Code 1904, Art. 713.)

Sec. 1251. Unlawful to Obstruct Use of Sidewalk—It shall be unlawful for any person to in any manner obstruct the use by pedestrians of any sidewalk in the City of Houston by placing, depositing or suffering to remain thereon, or permitting any of his servants, employees or persons under his control, to deposit, place or suffer to remain thereon, any boxes, material, vehicle or other object whatever, or by hitching or staking out any horse, cow or other animal or permitting such horse, cow or other animal to be so hitched or staked out that it can go upon or stretch any rope, chain, strap or other thing by which it is hitched or staked out across any such sidewalk. (Ord. Bk. 2, p. 235, Sec. 1.)

Sec. 1252. Penalty—Any person or persons violating any of the provisions of the preceding section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not more than One Hundred Dollars (\$100.00). (Sept. 5, 1905.)

Sec. 1253. Prohibiting Hitching, Etc., of Horses, Etc., on Certain Portions of Certain Streets; Penalty—That it shall be unlawful for any person to hitch a horse, horses, or teams, or animals to any hitching post, weight or otherwise, or to keep said horse, horses, or teams or animals standing or hitched in the following streets, or to keep any automobile, carriage, or other motor vehicle standing in said streets without an attendant in charge thereof, within the period or during the period between 1:00 o'clock p. m. and 4:00 o'clock p. m., on any day except Sunday.

The streets upon which hitching and the standing hitched of horses and teams or other animals, and the standing of automobiles or other motor vehicles unattended is prohibited in this section, are as follows: All avenues between Franklin Avenue and McKinney Avenue, said avenues being in-

cluded, and all streets between Milam Street and San Jacinto Street, said streets being included; this section applying only to the portions of said streets and avenues included within the following boundaries: Franklin from Milam to San Jacinto, San Jacinto from Franklin to McKinney, McKinney from San Jacinto to Milam, Milam from McKinney to Franklin, said streets being included, except Milam and San Jacinto Streets.

Any person, firm or corporation violating this section shall be deemed guilty of an offense, and upon conviction thereof in the Corporation Court shall be fined in any sum not less than One Dollar (\$1.00) and not more than Twenty-five Dollars (\$25.00). (July 27, 1909, Ord. Bk. 2, p. 520, Sec. 1.)

Sec. 1254. Stands for Hay Wagons—That Texas Avenue west of Louisiana Street and Brazos Street between Texas Avenue and Capitol Avenue are hereby designated as stands for wagons from which hay is being offered for sale, which wagons are to keep within the space adjacent to the curb and keep said right of way open for traffic at all times. (Aug. 4, 1913, Ord. Bk. 3, p. 410, Sec. 1.)

Sec. 1255. Unlawful Acts by Those Selling Hay; Penalties—That it shall be unlawful for any hay wagon or wagon from which hay is being offered for sale to stand at any other place or places than those designated in the next preceding section hereof or to fail to keep said right of way open for traffic at all times, or to block the sidewalk, or to permit their animals to get on the sidewalk, and any person, firm or corporation, or officer or agent or employee of such corporation, who shall violate any of the provisions of this or preceding section shall, upon conviction thereof, be fined in any sum not less than Five Dollars (\$5.00) nor more than Fifty Dollars (\$50.00); provided, that such sections shall not be construed in any way so as to interfere with the right to peddle country produce as fixed by statute. (Id., Sec. 2.)

ARTICLE 4.

AWNINGS, SIGNS, ETC.

Sec. 1256. Swinging Signs Unlawful—It shall be unlawful for any person to erect, keep, have or hold over or across any sidewalk in the City of Houston a hanging or suspended sign board, sign or other device, and each day such hanging or suspended sign board, sign or other device so erected is kept, had or held, shall be a separate offense. (Code 1904, Art. 691.)

Sec. 1257. Penalty—Any person or persons violating any of the provisions of the preceding section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not more than One Hundred Dollars (\$100.00). (Sept. 5, 1905.)

Sec. 1258. Unlawful to Erect Advertising Signs, Except as Provided in This Article—That it shall be unlawful for any person, firm or corporation, their agents, tenants or lessees to erect, use or maintain advertising signs in the City of Houston except as hereinafter prescribed. (Jan. 19, 1913, Ord. Bk. 4, p. 15, Sec. 1.)

Sec. 1259. Advertising Signs Shall Conform to Classes Specified in This Article—All advertising signs hereafter used, erected or maintained in the City of Houston shall conform to one of the classes or kinds hereinafter specified, and it shall be the duty of the Building Inspector to classify said signs and to see that each of such signs is erected and maintained in accordance with the conditions prescribed for the particular class to which it belongs, and to report to the Police Department and cause the prosecution of all persons violating any section of this article. (Id., Sec. 2.)

Sec. 1260. Advertising Signs Classified—Said signs shall be classified as follows:

Class A—Electrical illuminated signs made entirely of metal lettering and studded in full outline with electric lights or having a border of studded electric lights. Such designs to have not less than one light for every square foot of sign surface. Signs of Class A may be hung over the sidewalk not less than nine feet above the sidewalk at its lowest point, and shall not project beyond the curb, and shall not weigh more than three hundred pounds, including all attachments and devices.

Class A-1—Vertical signs built and illuminated as prescribed for signs of Class A and weighing more than three hundred pounds may be erected subject to the approval of the Building Inspector if fastened not more than two feet from the wall of a building and not less than nine feet above the sidewalk at its lowest point.

Signs of Classes A and A-1 shall be hung with galvanized cables or chains or rods or other fastenings approved by the Building Inspector and fastened to the wall with bolts or expansion bolts and guyed so as to be immovable. Signs of Class A and A-1 may be hung in any part of the city.

Class B—Signs known as transparencies with lights concealed, the frames of which are made of metal and sides or panels of art glass and weighing not more than three hundred pounds. Such signs shall be hung as prescribed for signs in Class A and shall have lights equal to two candle power for every square foot of sign surface.

Class B-1—Vertical signs built as prescribed for signs of Class B weighing more than three hundred pounds and hung as prescribed for signs of Class A-1. Signs for Classes B and B-1 may be hung in any part of the city and must be inspected and approved by the Building Inspector and the City Electrician before being hung.

Class C—Signs lighted with gas, the supply pipe or conduit to which shall extend from the building over and across the sidewalk on which may be supported light globes with letters or signs painted on the globes. Such signs shall be hung as prescribed for signs of Class A and may be hung in any part of the city. To such signs may be attached wood or metal signs not larger than one foot in width and in length not greater than the row of light globes to which it is attached.

Signs of Classes A, A-1, B, B-1 and C, when erected on Main Street between Dallas Avenue and McGowen Avenue, may be supported by posts in the outer edge of the sidewalk and must not project beyond the curb and be not more than nine feet above the sidewalk.

Class D—Ornamental cast or wrought iron posts set in the outer edge of the sidewalk against the curb wall, on which posts may be placed light globes on which globes may be painted letters and signs. To such posts may be attached signs not larger than two feet in either height or width, not less than seven and one-half feet above the sidewalk and not projecting beyond the curb line, and such signs may be placed in any part of the city.

Class E—Signs made from one thickness of sheet metal and fastened to door or window jambs or walks not less than seven feet above the sidewalk at its lowest point. Such signs to be not more than two feet in height and projecting edge-wise not more than eighteen inches beyond the wall line, which sign may be erected in any part of the city.

Class F—Signs of wood or metal not more than three feet in height fastened close against the wall of a building, provided that no such signs shall be placed above the wall or cornice or roof of any building in the City of Houston, nor across any window or door, and such signs may be erected

in any part of the city. (Amendment Feb. 9, 1914, Ord. Bk. 4, p. 117.)

Class G—Signs made of wire netting or other open metal work stretched on metal frames and supported by metal frames and braces with lettering and all sign metal devices made of metal. Such signs may be erected above and upon the roof of any building if placed within two feet above such roof or two feet above the wall, if placed over such wall. Such signs must be illuminated and the illumination must be not less than two candle power for each and every square foot of sign surface. Such signs may be erected in any part of the city.

Class H—Signs or bill boards made of metal with wood or metal frames inside the fire limits and made of wood or metal outside the fire limits. Such signs or bill boards shall be not less than two feet above the ground, and not over fourteen feet from the ground to its highest point. Such signs may be erected in any part of the city.

Class I—Signs made of wood or other suitable material not more than ten feet long and thirty inches wide, and weighing not more than one hundred and fifty pounds. Such signs may be erected across the sidewalk not more than nine feet above the sidewalk and shall not project beyond the curb. Such signs may be erected in any part of the city except inside the fire limits and excepting also on Main Street from Dallas Avenue to McGowen Avenue.

Class J—Cloth signs suspended over the street not less than twenty feet above the street at the lowest point and not less than eight feet above any trolley wire and shall be supported by ropes, no metal to be used in the construction of the sign or in the apparatus supporting the same.

Signs in Class J shall not be allowed to hang more than two weeks and may be used only for the purpose of advertising celebrations, expositions, carnivals, fairs, excursions of societies, public entertainments, or other matters of public character, and shall not be used to advertise a private business or matters of a private character.

Class K—Cloth signs hung on the walls of buildings not higher than the bottom of the second story windows and securely fastened closely against the wall. Such signs may be erected in any part of the city. (Id., Sec. 3.)

Sec. 1261. Permit for Erection Necessary, Except; Application to Building Inspector; Inspection by City Electrician.

cian—No sign shall be erected, used or maintained in the City of Houston unless the person, firm or corporation owning, using and maintaining the same or desiring to erect the same shall obtain a permit from the City Building Inspector; provided, that no permit shall be required for signs of Class E, Class F, Class J and Class K. It shall be the duty of any person, firm or corporation desiring to erect a sign in this city, for which a permit is required, to make application to the City Building Inspector accompanied by plans and specifications showing in detail the proposed manner of construction, erection, support and maintenance of such signs.

If such plans and specifications for signs shall be in compliance with this article the Building Inspector shall issue a permit therefor, and all signs erected under such permits shall be erected under the supervision of the Building Inspector, and all electrical connections in illuminated signs shall be inspected and approved by the City Electrician before it shall be lawful to operate said signs. All of said wiring to be done according to the rules and regulations of the National Board of Fire Underwriters and in conformity with the Charter and ordinances of the City of Houston and to the satisfaction of the City Electrician; provided, that the right herein given for the erection, use and maintenance of advertising signs shall not be a permanent or vested right, and said permits shall be obtained and signs erected subject to the right of the City of Houston to further regulate, restrain or abolish the use of the same. (Id., Sec. 4.)

Sec. 1262. Signs to Be Kept in Good Repair; Building Inspector May Make at Owner's Expense, When—It shall be the duty of every person, firm or corporation owning, using and maintaining any signs hereafter erected or now being used, operated and maintained to keep the same at all times in a safe condition, and if any of such signs shall become defective, or shall become unsafe or dangerous to the public in the opinion of the Building Inspector, the same shall be repaired or made safe by the owner or lessee thereof immediately after notice by the Building Inspector so to do, and should said owner or lessee fail to comply with said notice within five days thereafter the City of Houston shall have the right to make the necessary repairs or adjustments at the expense of the owner, and said sign may be removed from its location without further notice. (Id., Sec. 5.)

Sec. 1263. City to Be Saved Harmless, Etc.; Permit to Contain Agreement to That Effect—All persons, firms or

corporations erecting, using and maintaining any of the signs herein provided for, whether as owner, agent, tenant or lessee, shall save the City of Houston harmless from all damages arising from the erection, use and maintenance of said signs, and no sign permit shall be issued unless it contains an agreement on the part of the person, firm or corporation seeking such permit that such person, firm or corporation, whether agent, owner, tenant or lessee, will assume all liability for damages caused by defective construction, disrepair or damages from any source caused by such signs, and shall hold and save the city harmless from all damages arising from the erection, use and maintenance of said signs. (Id., Sec. 6.)

Sec. 1264. Penalties—Any person, firm or corporation or any member of any firm and the officers and directors of any corporation violating any of the next six preceding sections shall be deemed guilty of a misdemeanor, and upon conviction thereof in the Corporation Court shall be fined in any sum not less than Five Dollars (\$5.00) nor more than One Hundred Dollars (\$100.00); provided, that it shall also be an offense for any person, firm or corporation and any member of any firm and the officers and directors of any corporation who shall be notified by the Building Inspector to repair or to remove any sign in the City of Houston, to fail to do so within five days after receiving such notice, subject to the penalty above provided; and provided also, that each day's failure to obey such notice after the expiration of five days from the receipt thereof shall constitute a separate offense. (Id., Sec. 7.)

Sec. 1265. Lawful to Erect Stationary Awnings Over Sidewalks; How Constructed—That it shall be lawful to erect stationary awnings over and across any sidewalk in the City of Houston, in front of any building on the following conditions:

First: Awnings within the fire limits shall extend across the sidewalk to the curb line and shall be constructed of iron or stone posts, not less than four (4) inches in diameter, resting upon a concrete foundation, the overhead construction to be built substantially; the frame to be constructed of iron with reinforced concrete floors and fireproof throughout; all awnings in any block to be of uniform height. Same to be constructed under the supervision of the City Building Inspector and in accordance with a sketch furnished by said Building Inspector and on file in his office, and in strict compliance with the permit and with this article.

Second: The owners of buildings shall have the option of constructing awnings commonly known as marquee, same to be supported by hogchains securely fastened in the walls and of such strength and durability as to support twice the weight of the awning suspended thereby. Said awning shall be fire-proof throughout. If glass is used for roofing of same it must be heavily ribbed standard wire glass, supported on wrought iron frame "T" brackets. Same to be constructed under the supervision of the Building Inspector, in accordance with a sketch furnished by said Building Inspector and on file in his office, and in strict conformity with the permit granted by the City Engineer and with this article.

No awning of the marquee type shall be less than nine (9) feet above the sidewalk, and such awning shall, in every instance, whether said awning be constructed heretofore or hereafter, be so constructed that the drainage therefrom shall run towards the wall and be led down the wall and out under the sidewalk to the gutter through a metal conductor. (July 1, 1912, Ord. Bk. 3, p. 117, Sec. 1.)

Sec. 1266. Outside Fire Limits; How Constructed—Awnings constructed outside of the fire limits may be constructed of wood, and when so constructed shall be supported by gas pipe posts not less than three (3) inches in diameter, or if wood posts, not less than six (6) inches in diameter resting upon a concrete foundation, and the overhead structure shall be well and substantially built; all parts of said awnings to be painted throughout with at least two coats of paint, and the roof of any such awning shall be constructed of incombustible material. No such awning shall be inclosed in any manner, except by railing on second floor. (Id., Sec. 2.)

Sec. 1267. Must Secure Permit for Construction—No awning shall ever be constructed in the City of Houston without first a permit is procured from the City Engineer authorizing the construction of such awning, and in such permit the kind of awning to be erected shall be designated and a sketch thereof shall be filed with the City Engineer for the use of the Building Inspector, and no permit shall ever be granted for an awning of other or different type than those described in this article; provided, that awnings of a different type or construction to those described in this article may be repaired, if not damaged more than twenty-five per cent. (25%) of the value of a new awning of a similar construction. (Amendment Sept. 29, 1913, Ord. Bk. 3, p. —, Sec. 1.)

Sec. 1268. Penalties—Any person who shall construct or repair any awning in the City of Houston without a permit, or who shall construct or repair any awning in violation of the next three preceding sections shall be deemed guilty of a misdemeanor and upon conviction thereof in the Corporation Court shall be fined in any sum not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00) ; provided, that it shall be a separate offense both in the contractor constructing the awning in violation of the next three preceding sections and, also, an offense on the part of the person employing such contractor; and provided further, that it shall be a separate offense on the part of the owner or lessee for each day that any awning constructed in violation of the next three preceding sections shall be maintained by said owner or lessee of the building in front of which said awning shall be unlawfully constructed. (Id., Sec. 2.)

ARTICLE 5.

POLES.

Sec. 1269. To Be Kept Painted—It is hereby declared to be the duty of every person, firm or corporation who have heretofore or who shall hereafter erect a pole or poles on any street, alley or sidewalk within the corporate limits of the City of Houston for electric light, telephone, telegraph or street railway purposes, to paint and keep the same well painted with white lead and linseed oil; color to be designated by the Street and Bridge Committee. (Code 1904, Art. 987.)

Sec. 1270. Unlawful to Mar or Disfigure Such Poles—It shall be unlawful for any person or persons to nail, paste or attach any sign whatever to, or in any manner mar or disfigure such poles, and for violation of this section they shall be fined in any sum not less than Ten Dollars (\$10.00) nor more than Twenty-five Dollars (\$25.00). (Id., Art. 988.)

Sec. 1271. City Electrician to Designate Location—The City Electrician shall designate the location of all electric street car, telephone and telegraph poles which may hereafter be erected in the City of Houston. (Id., Art. 989.)

Sec. 1272. Location Shall Be Changed When Directed—All persons or corporations owning or controlling any poles used for telegraph, telephone or electric street car purposes on any street, alley or sidewalk in the City of Houston shall change or cause to be changed the location of the same when directed

in writing so to do by the City Electrician, in accordance with such instructions as may be given in such written notice. (Id., Art. 990.)

Sec. 1273. Penalty—Any person, firm or corporation who shall neglect to comply with the provisions of this chapter shall be liable to a penalty of One Hundred Dollars (\$100.00) to be recovered in a civil suit brought in either of the Justice's Courts of Precinct No. 1, of Harris County, Texas. (Id., Art. 991.)

Sec. 1274. Shall Not Construct Poles, Etc., Except as Provided by This Article—No person, firm, corporation or company shall hereafter erect or construct any pole, pier, abutment or any other necessary fixture, appurtenance or appliance for electric light, power, telephone or telegraph purposes along or across any of the streets, alleys, avenues or squares or elsewhere within the City of Houston for electric light or power, telephone or telegraph purposes, or shall hereafter maintain any such pole, pier, abutment, wire or other necessary fixture, appurtenance or appliance heretofore erected or constructed within said city, except in accordance with the provisions of this article. (Id., Art. 101.)

Sec. 1275. No Poles, Etc., to Be Erected—No such person, firm, corporation or company as mentioned in Section 1269 shall hereafter erect or construct any pole, pier, abutment, wire or other fixture, appurtenance or appliance such as mentioned in Section 1269 without first obtaining a permit from City Electrician so to do. (Id., Art. 102.)

Sec. 1276. No Two Lines of Poles Bearing Same Conductor on Same Side of Street—No two lines of poles bearing the same class of conductors shall be erected on the same side of any street, alley, or avenue of this city. (Id., Art. 103.)

Sec. 1277. Poles Requisite; How Erected, Etc.—All poles shall be erected and maintained in a perpendicular position and shall be straight and free from bark and placed immediately within the curbing where the sidewalks are eight feet or upwards in width, and shall be placed in the curbing on a line with its outer surface where the sidewalks are less than eight feet in width. When the curbing is not laid, the outer line of the same shall be taken and eight inches within the outer line if the sidewalks are eight feet or more in width. (Id., Art. 104.)

Sec. 1278. Each Line of Poles to Run on Same Side of Street—Each line of poles shall be run on one side of the street, alley or avenue only, except when absolutely necessary to change to the other side; but this may be done only by permission of the City Electrician. Cross arms shall be of uniform length, strengthened by braces, and the cross arms of each company shall be branded or stamped with the initials of the company owning the same, and no wires shall be less than twenty-five feet from the curb in height. (Id., Art. 105.)

Sec. 1279. No Advertising Matter to Be Placed on Poles—It shall be unlawful for any person, firm or corporation to place or allow to be placed any advertising cards or posters or other light material on any of their poles within the city limits, and any person, firm or corporation allowing the same to be done shall be deemed guilty of an offense. (Id., Art. 106.)

Sec. 1280. Companies Shall File Agreement for Joint Use—Any company erecting poles under the provisions of this article shall, before obtaining a permit therefor from the City Electrician, file an agreement in the office of the City Secretary permitting the City of Houston to occupy and use the cross arm of any pole erected, or which is now standing, for the use of said city for telegraph purposes free of charge, and any such cross arm, insulators or poles found to be in bad order shall be placed in good condition by such companies, firms or corporations owning such poles, cross arms, insulators or supports for said wires on being notified by the City Electrician. (Id., Art. 118.)

Sec. 1281. Must File Permission to Use by City—Every telegraph or telephone or other electric company doing business within the city shall file with the City Secretary its acceptance in writing of so much of this article as relates to the use by the city of the top cross arm of the poles. (Id., Art. 121.)

Sec. 1282. City Electrician May Change Location of Poles—The right is hereby reserved to the City Electrician, at any time, to direct any alteration in the location of poles, and also in the height at which the wires shall run; but before any such alteration is made, at least five days' notice in writing shall be given the president or local officer of the company affected by the proposed alteration, and reasonable opportunity shall be afforded the representatives of such company or any citizen interested to be heard therein. But when any such alteration shall be ordered, the said company shall, with-

in five days thereafter, commence such alteration and complete the same as soon as practical thereafter, and upon failure to do so, it shall be deemed guilty of a misdemeanor and punished as hereinafter provided. (Id., Art. 123.)

Sec. 1283. Poles to Be Painted—That all poles erected to carry telephone, telegraph, electric light or other wires shall be painted in accordance with the following conditions, viz:

1. That all the poles shall be painted black for a distance of seven feet above the ground line.

2. That from a distance of seven feet from the ground line to the top of all poles of any company or association, shall be painted a uniform and distinctive color that may be assigned to said company by the City Electrician.

3. That whenever application is made for the purpose, it shall be the duty of the City Electrician to assign to each company or association that have poles erected, a distinctive color for the painting of the poles, and the City Electrician shall thereupon notify the Street Commissioner, Chief of Fire Department and Chief of Police Department, the name of the company and the distinctive color so assigned. (Id., Art. 124.)

Sec. 1284. Penalty—Every violation of the provisions of this article shall constitute a misdemeanor, and the persons, company or corporation, or any employee, agent, manager or officers thereof guilty of violating any of the provisions shall upon conviction thereof in the Corporation Court be fined not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) for each offense, and every violation of and each and every day's failure or refusal to comply with said provisions shall constitute a separate offense, and in case of wilful and continued violation of the provisions of said sections by any such person, company or corporation, as aforesaid, or their agents, employee, servant or officers, the city shall have the power to revoke and repeal any ordinance under which said person, company or corporation may be acting, and to revoke and repeal all permits, privileges and franchises to said persons, company or corporation as aforesaid. (Id., Art. 125.)

ARTICLE 6.

BILL POSTING.

Sec. 1285. Bill Posters Must Have License—No person shall engage in or carry on the business or occupation of bill posting in the City of Houston without having first obtained

a license or permit from the proper authorities to carry on said business in accordance with the provisions of this article. (Mar. 5, 1906, Ord. Bk. 2, p. 251, Sec. 1.)

Sec. 1286. Who Are Bill Posters—Bill posters, within the meaning of this article, shall be construed to include all persons who engage in the business or occupation of posting, by tacking, posting, painting or otherwise circulating from house to house, or distributing upon the streets or upon any public grounds or private property any advertising matter, bills, posters, pictures or any other thing, matter or device whatsoever, advertising the business of any person, firm or corporation, whether that of merchant, manufacturer, publisher or person or persons engaged in any business or industrial pursuit, or any operas, theatres, shows, circuses or other exhibitions; provided, however, that nothing herein contained shall be construed to mean the painting of store, office or other signs by sign painters, or to the posting of legal notices by public officers, attorneys, trustees, or other persons whose duty it may be to post the same, in the manner and in the places prescribed by law. (Id., Sec. 2.)

Sec. 1287. How to Obtain License; Fee; Bond—Any person desiring to engage in the business of a bill poster within the said city shall make application in writing to the City Council of said city for a license so to do and file such application with the City Secretary of the City of Houston. The City Council may thereupon grant such license or permit, and direct that the same be issued to the applicant, upon his paying to the City Assessor and Collector the sum of Fifty Dollars (\$50.00), and filing with the City Secretary of the City of Houston the Assessor and Collector's receipt therefor, and upon the further condition that the applicant shall file with the said City Secretary of the City of Houston a bond in the sum of Five Hundred Dollars (\$500.00), payable to the City of Houston, with two or more sufficient sureties, or with some responsible surety company authorized to do business in the State, and having a local agent in Harris County, Texas, which bond shall be acceptable to and be approved by the Mayor of the City of Houston, and be conditioned that the party to whom such license or permit is issued will conform to all ordinances of the City of Houston regulating, concerning or in any manner bearing upon the business of a bill poster. The said license or permit shall be signed by the Mayor and attested by the City Secretary of said city, and shall expire one year from the

date of its issuance, unless sooner revoked or canceled, as hereinafter provided. (Id., Sec. 3.)

Sec. 1288. No Advertisements, Etc., to Be Painted, Etc., on Any Curb, Sidewalk, Etc.—No person in said city shall paint, print or post any picture, bill or advertising matter of any kind upon any curb, sidewalk or other public improvement in any public street or grounds, or upon any bridge or part of same, or public building, structure or erection of any kind belonging to the City of Houston, unless express consent therefor shall have been first granted by the City Council and entered on its minutes. (Id., Sec. 4.)

Sec. 1289. No Advertising Matter, Etc., Shall Be Painted, Etc., on Any Post, Etc., Property of Another, Etc.—No person shall hereafter paint, print or post or in any way affix any picture, bill or advertising matter of any kind upon any post, fence, tree, billboard or signboard, upon any building or erection or structure of any kind, within the City of Houston, unless the building or object upon which the same may be placed is the property, or under the control of the person so doing, or unless the consent of the owner or the person in control thereof shall have been first obtained. (Id., Sec. 5.)

Sec. 1290. Handing Out, Etc., of Advertising Matter on Streets, Etc., Forbidden—No person shall give or hand to any person or persons passing through or upon the streets or sidewalks, or loosely scatter or throw any bills of paper, or other advertising matter, or loose material, on the surface of any of the public streets or ways, or on the public grounds of said city, or within the yards of private residences. (Id., Sec. 6.)

Sec. 1291. Posting of Obscene or Immoral Matter Forbidden—No bill poster or other person shall post or affix in any way to any building, structure or object whatsoever, so that same shall or can be seen from any of the public grounds or public ways, any bill, picture, illustration, printed matter or any other object or device of any obscene or immoral nature or character. (Id., Sec. 7.)

Sec. 1292. Bill Posters Shall Not Leave Refuse, Etc., on Sidewalks, Etc.—No bill poster shall scatter, daub or leave any paste, glue or other like substance used for or in any way concerned in the affixing or posting of bills upon any public sidewalk, pavement or street in said city, or scatter or throw any old bills or waste material removed from bill boards or other

objects on any such sidewalk, street or pavement, or on the surface of any public street or way, or on the surface of any private grounds. (Id., Sec. 8.)

Sec. 1293. Bill Posters Shall Avoid Creation of Nuisances, Etc.—No person carrying on the business of bill poster, as the same has been herein defined, shall post or in any manner affix bills or other forms of advertisements in such a manner as to create a nuisance, or a slovenly or unsightly appearance at any place in said city, but all such posting or affixing of bills or other advertisements of any kind whatsoever shall be done in a neat and tidy manner, and all refuse and waste of every kind whatsoever shall be carefully removed at once. (Id., Sec. 9.)

Sec. 1294. Bill Posters Shall Not Erect Sign Board Without Permit from City Council, Etc.—No bill poster or person engaged in the business of bill posting shall erect any bill board within the City of Houston without first having obtained a permit so to do from the City Council of the City of Houston, after having filed his application with the City Secretary of said city. (Id., Sec. 10.)

Sec. 1295. Bill Poster Shall Not Use Poles, Etc.—No bill poster or other person shall post, paint or affix in any way to any telegraph pole, electric light pole, telephone pole, or street car pole, or tree, any sign, notice, card or advertisement of any kind or character whatsoever. (Id., Sec. 11.)

Sec. 1296. City Council May Cancel License; Must Return Pro Rata Portion License Fee—The City Council of the City of Houston shall, at any time after the issuance of a permit or license as is provided for in the provisions of this article, have the right to cancel and revoke the same, without assigning any cause whatever for so doing, upon refunding to the person, firm or corporation to which such license has been granted the pro rata portion of the fee paid for such permit or license; that is, such proportion as the unexpired time or term for which such permit or license was granted bears to the entire time or period for which same was granted. (Id., Sec. 12.)

Sec. 1297. Penalty—That any person violating any of the provisions of this article shall be guilty of a misdemeanor, and upon conviction thereof in the Corporation Court of said City of Houston shall be fined in any sum not less than Five Dollars nor more than One Hundred Dollars. (Id., Sec. 14.)

ARTICLE 7.

TRAFFIC (STREET).

Sec. 1298. Definition of "Driver," "Street," "Curbs," "Person," "Persons" and "Vehicles"—The word "driver," as used in this article, includes the rider or driver of any horse, the operator of any motorcycle, automobile, street car or other vehicle however drawn or propelled. The word "street" includes every avenue, boulevard, highway, cartway, lane, alley, path, square, place and places used by or laid out for the use of vehicles. The word "curbs" are the lateral boundaries assigned for the use of vehicles whether marked by curbstone or not. The word "person" or "persons" includes all individuals, associations, partnerships, corporations or agents. And the term "vehicle" shall include every wagon, omnibus, carriage, pushcart, bicycle, tricycle, motorcycle, automobile or other conveyances, except baby carriages, in whatever manner or by whatever power the same may be driven or propelled. (Mar. 4, 1914; Ord. Bk. 4, p. 245, Rule 53.)

Sec. 1299. Drivers, Etc., of Vehicles Must Familiarize Themselves With Rules of the Road, Etc.; Want of, Prima Facie Evidence of Negligence, in Civil Actions; Offense—It shall be unlawful for any person to permit any motor driven or horse drawn vehicle to be run, driven or operated by any person unless such driver or operator has familiarized himself with the rules of the road as prescribed herein and the other requirements of this article and has sufficient intelligence to understand the same and sufficient skill and strength to comply therewith. Any violation of any of the provisions of this article by any person in charge of or operating any such vehicle shall be deemed an offense not only by the person actually in charge of and operating such vehicle but also by the owners or managers thereof, and in any civil action for damages growing out of or connected with the use of any machine or vehicle on the roads or streets of the City of Houston proof that the vehicle so operated or driven by a person who was not familiar with the rules of the road as prescribed in this section and the other provisions of this article for the operation thereof, or by a person that had not sufficient skill or strength to comply with the provisions hereof shall be prima facie evidence of negligence. (Mar. 4, 1914; Ord. Bk. 4, p. —, Sec. 1.)

Sec. 1300. Failure to Observe Traffic Ordinances Negligence Per Se—Failure to observe any of the provisions of this

article shall constitute negligence per se, and should such failure result in injury to any person, in any civil action for damages on account thereof, no other or further proof of negligence shall be required. (Id., Sec. 2.)

Sec. 1301. Speed Limit—It shall be unlawful for any automobile or other vehicle, including ambulances, to be operated on the streets or ways of the City of Houston in the district bounded by Buffalo Bayou, Crawford Street and McKinney Avenue, also in any cemetery or place of burial within the city, or within any public park in said city at any speed greater than 10 miles per hour. In all other portions of said city said speed limit shall not exceed 15 miles per hour, provided, that in turning any corner at any place in the city limits the speed limit shall not exceed 5 miles per hour, and provided further, that the designation of speed limits shall not constitute a license for any person in charge of any automobile or other vehicle on any public street or way in the City of Houston to drive the same at the speed limit indicated regardless of property, but same shall be at all times operated with the consideration of safety first and at a speed no greater than is reasonable and proper, having regard for the traffic and use of the public streets and ways by others, or so as to endanger the life, limb or property of any person then thereon, and the careless operation of such machine at a speed greater than is proper and safe at any given point or place shall constitute an offense even though the speed limit designated herein is not exceeded. (Id., Sec. 3.)

Sec. 1302. Rules and Regulations Governing Drivers, Etc., of Automobiles, Etc.—It shall be the duty of any person driving or operating an automobile, motor or other kind of vehicle upon any street or way in the City of Houston to observe the following rules in addition to those prescribed in the next preceding section:

(1) **Shall Keep to Right Center Line of Streets; How Pass on Meeting Vehicles**—He shall always keep to the right hand side of the center line of any and all streets or ways in the City of Houston, and in meeting any vehicle shall pass to the right.

(2) **Unlawful to Drive or Stop Abreast; How Pass on Overtaking Vehicle**—It shall be unlawful for vehicles to be driven or stopped abreast, and a vehicle overtaking another vehicle shall pass to the left side of the overtaken vehicle and shall not pull over to the right until entirely clear of the over-

taken vehicle, nor shall it leave the center line on the right unless there is a clear way of at least 100 feet in advance on the left.

(3) **Avenues, Etc., With Park Way, Etc.**—On all avenues or streets divided by park way, walk, sunken way or viaduct the vehicle shall keep to the right of such division.

(4) **Turning Corners or in Streets, Etc., Observation to Be Made, Etc.**—In turning a corner, or turning in the street, or in crossing to the opposite side of the street the driver shall make observation both in front and rear for approaching vehicles, and shall as speedily as possible regain his position on the right side of the street.

(5) **Turning Corners, How Done**—In turning a corner to the left the driver shall go to the further side of the intersection to turn, and in turning a corner to the right he shall turn on the near side of the intersection as near the curb as practicable, having his motor thoroughly under control.

(6) **Vehicles Not to Pass at Street Intersections Vehicles Going in Same Direction**—No vehicle shall pass or attempt to pass, at any street intersection, another vehicle going in the same direction.

(7) **How Vehicles Turning to Left Shall Enter Other Streets**—All vehicles turning to the left into another street shall pass to the right of and beyond the center of the street intersection before turning.

(8) **Positions, Etc., of Vehicles With Reference to Curbs**—No vehicle shall stop with its left side to the curb, and all vehicles when stopped shall stand parallel to the curb, nor shall any vehicle stand backed up to the curb except when actually loading and unloading, and when a horse drawn vehicle having four wheels is backed up to the curb the horse or horses shall be turned so as to be parallel with the curb and head in the direction of travel for the side of the street on which the vehicle is standing and no vehicle shall stand or back up to the curb if it interferes with or interrupts the passage of other vehicles or street cars.

(9) **Stopping, Etc., Vehicles in Streets Prohibited, Except; Crossings Not to Be Obstructed**—Unless in an emergency or to allow another vehicle or pedestrian to cross its path no vehicle shall stop or stand in any public street or way in the City of Houston except close to the curb line, and not over two feet therefrom, nor shall any vehicle stop so as to obstruct a crossing, nor within ten feet of a fire hydrant; provided, that

nothing herein shall prevent a vehicle from stopping at a street crossing to take on or discharge passengers.

(10) **Stopping, Etc., at Intersection, Prohibited; Discharge, Etc., of Passengers**—No vehicle shall stop and stand within the intersection of any two streets and drivers of vehicles that are proceeding along the right hand side of the street and desire to discharge or take on passengers on the left side of the street shall go to the intersection of the street and cross over, as is required for vehicles making a turn.

(11) **Passing, Etc., Street Cars Receiving, Etc., Passengers; Traffic Officer to Be Obeyed**—All drivers of vehicles overtaking or passing a street car that is receiving or discharging passengers shall exercise due caution not to interfere with or injure the passengers getting on or off said car, and unless there is a clear way between vehicle and car of seven feet it shall be the duty of any such vehicle to stop until the passengers have been safely taken on, or discharged as the case may be, or have reached the curb; provided, that all vehicles shall move when signaled to do so by the Traffic Officer.

(12) **Right of Way of Vehicles**—On all public streets and highways in the City of Houston all vehicles going in a northerly or southerly direction shall have the right of way over those going in an easterly or westerly direction; provided, that officers and members of the Fire Department with their fire apparatus when going to, or on duty at or returning from a fire and all officers or men and vehicles of the Police Department, and all ambulances, when answering emergency calls, shall always have the right of way over any street and through any procession. Street cars shall have the right of way on their tracks, and persons driving vehicles on the street car tracks between street intersections shall immediately turn out on signal given by the motorman.

(13) **Intending to Stop, Signals to Be Given to Those Behind; Other Signals**—When intending to slow up or stop a signal shall be given by the driver so intending to those behind by raising the whip or hand vertically. In turning while in motion or in starting to turn from a standstill, a signal shall be given by raising the whip hand, indicating in which direction the turn shall be made.

(14) **Distance Between Vehicles Approaching, Etc., Crossing**—No person having charge of a vehicle shall allow the same to come within ten feet of any vehicle in front of him when approaching or passing over a crossing over which pedestrians are crossing or about to cross.

(15) **Duty of Driver Receiving Signal from Another of Intention to Pass**—When any person in control of a vehicle receives a signal that the person behind desires to pass it shall be his duty to draw in as close to the right curb as practicable until the said passing has been accomplished and the passing vehicle has pulled into its place on the right hand side of the street or highway.

(16) **Crossing of Streets by Pedestrians**—No street shall be crossed by any pedestrian or vehicle except at intersections, and then the turn shall be made straight across at right angles and not diagonally.

(17) **Curbs Not to Be Monopolized**—No vehicle shall be allowed to monopolize any part of the curb, and shall promptly give place to any vehicle about to take on or let off passengers.

(18) **Vehicles, How Loaded With Iron, Etc.**—No person shall load a vehicle with iron or other material that may strike together and produce a disturbing or disagreeable noise without making proper provision so that same shall cause no unnecessary noise while proceeding through the streets, nor shall any person so load a vehicle with iron, lumber or other material as that it will be permitted to hang over and drag on the street.

(19) **Contents of Vehicles to Be Covered, When**—No vehicle containing substances or objects objectionable to the eye, or which throw off an offensive smell, shall be driven through the streets unless said substances or objects shall be covered with a tarpaulin or other sufficient covering.

(20) **Not to Cross Lines, Etc., of Funeral Processions**—No person shall ride or drive any animal or vehicle across the line or through a funeral procession while the same is proceeding along any of the streets or ways in the City of Houston; however, when such procession is at a standstill for any reason, the vehicles composing same shall be so moved and placed as to permit crossing on intersecting streets.

(21) **Permits Necessary for Vehicle to Draw Another, Except**—No person shall be permitted to draw a vehicle by the use of another vehicle in a street without written permission from the Chief of Police, except in cases of accident or emergency, in which case the driver of a vehicle may draw one other disabled vehicle in a street; provided, the vehicles are securely attached to each other, and if after nightfall are duly lighted.

(22) **Bicycles, Etc., Prohibited on Sidewalks, Etc.**—No person shall ride a bicycle, tricycle or motorcycle over or upon

any sidewalk or foot walk intended for the use of pedestrians, and no person shall lead, drive or ride an animal or propel a vehicle upon a sidewalk except in passing into or from lots where turnouts are constructed and provided from the street for such purpose.

(23) **Pedestrians Not to Obstruct Sidewalks, Etc.**—A pedestrian shall not stop or stand in the way so as to obstruct the free use of the sidewalks or street corners or any other public place in the City of Houston by loafing, lounging or standing in and on the same.

(24) **Bicycles, Etc., to Have Gongs, Etc.; Not to Be Sounded, Except; Character of Gongs**—All bicycles, tricycles, velocipedes, motorcycles, automobiles and all horseless vehicles upon the streets shall have attached thereto a gong, bell or horn or other adequate signal and in good working order of proper size and character sufficient to give warning of the approach of such vehicles, and such gong, bell, horn or other devices shall not be sounded except when necessary to give warning; provided, that no such gong, bell, horn or other signal shall be used as shall produce a sound of an unusually loud, annoying or distressing character, or such as to frighten pedestrians or animals or make an offensive noise or constitute a nuisance, such as "sirens" or similar instruments; provided, that the inhibition of this section shall not apply to a public ambulance, or vehicles belonging to the Fire Department or Police Department of the City of Houston.

(25) **Emission of Steam, Etc., by Motor Vehicles**—No person operating a motor driven vehicle shall permit the motor to operate in such manner as to visibly emit any undue amount of steam, smoke or other product of combustion from exhaust openings, nor permit such vehicle to make unnecessary noise by cutting out the muffler.

(26) **Lights on Automobiles After Sunset**—All automobiles operated or standing in the public highways of the City of Houston between one-half hour after sunset and one-half hour before sunrise shall be provided with at least two lighted lamps visible for a reasonable distance in the direction toward which the vehicle is going, and one red light attached to the rear of such vehicle.

(27) **Street Cars, Etc., Using Electric, Etc., Lights, Must Be Equipped With Turn Down, Etc.**—Street cars, automobiles, motorcycles and other vehicles, except the Police and Fire Departments, using electric or arc lights or any lights with reflector or lens or mirror of a penetrating effect of more

than 200 feet must be equipped with the necessary turn down or reduction method of reducing the intensity and reflecting power of the lamp or light, or be so adjusted that when in use all of the direct rays or lights thrown out of said lamp, lamps, mirror or reflectors shall strike the ground at a distance of not greater than 200 feet from said lamp.

(28) Lights to Be Displayed by Horse Drawn Vehicles After Sunset—Any horse drawn vehicle while in use in the streets between one-half hour after sunset and one-half hour before sunrise must display one or more lights or lanterns on the left side of said vehicle, so placed as to be visible from both front and rear.

(29) Directions of Traffic Officer to Be Obeyed—It shall be the duty of all drivers of street cars, vehicles, pedestrians and others to watch for and comply with the directions by voice, gesture or signal of the Traffic Officer or the Police and a wilful failure or refusal to comply therewith shall constitute an offense.

(30) Certain Vehicles Have Right of Way; Duty of Other Vehicles; Speed Limit for Vehicles of Police Department in Certain District—That the Police, Fire Department, Fire Patrol, ambulance, United States mail and street railways while in the active discharge of their duties shall have the right of way of all vehicles, and on approaching or sounding the bell or other signals thereon all other vehicles shall clear the way; provided, that on Main Street from McKinney Avenue to the Bayou, and on all the streets and avenues in the district bounded by Capitol Avenue, San Jacinto Street, Franklin Avenue and Milam Street, inclusive of said bounding streets and avenues, the provisions of Section 1301 regarding the speed to be allowed in said district shall apply to the vehicles of the Police Department, but the provisions of Section 1301 shall not apply to such vehicles at other points of the City of Houston, nor shall the speed limits therein designated at any time or place apply to the Fire Patrol or Fire Department, provided further, that no ambulance shall be driven on or across Main Street except when necessary to answer a call which necessitates the use of said street and then only for such distance as is unavoidable.

(31) Duty of Drivers on Approach of Fire Apparatus—Upon the approach of any fire apparatus the driver of any vehicle shall immediately drive it as close as may be practicable and parallel to the right hand curb and stop and remain there until the fire apparatus shall have passed.

(32) **Obstruction of Streets by Vehicles, Etc., Prohibited**—No vehicle or street car shall so occupy any street as to unnecessarily interfere with the passage of other street cars or vehicles.

(33) **Vehicles Loaded With Merchandise, Etc., Not to Be Driven on Main Street Between McKinney and Commerce, Except**—No vehicle loaded with merchandise, freight or other commodities shall be driven on Main Street from McKinney Avenue to Commerce Avenue, except for such distance as may be necessary to reach the buildings to which it is going.

(34) **Street Cars to Stop on Approach of Fire Engine, Etc., and Before Passing Fire Station**—The driver of a street car shall immediately stop such car and keep it stationary upon the approach of a fire engine or other fire apparatus on an intersecting street and before passing in front of any fire station shall stop and give three bells.

(35) **Police Department, Etc., Right of Way Through Processions, When**—The Police, Fire Department, ambulance answering emergency calls shall have the right of way through all and any processions, when in the regular course of their duty.

(36) **Vehicles in Procession, Not to Obstruct Intersecting Streets**—The drivers of vehicles shall not proceed in procession in such manner as to block or interfere with the passage of intersecting streets, but shall always keep sufficient space between them at intersections to permit of such passage.

(37) **Duty Drivers of Street Cars to Notify Pedestrians if Can Pass**—A driver of a street car at a street intersection shall indicate by an unmistakable wave of his hand to the approaching pedestrians and drivers of vehicles whether they may pass in front of the car.

(38) **Street Cars Loading, Etc., Passengers, to Stop, Where**—All street cars shall stop at the near side of all crossings and curves, for the purpose of loading or unloading passengers in the business district. In stopping at the intersections of streets on the near side of the same, the car shall be stopped on the building line of such streets. Outside of the district bounded by Capitol Avenue, Fannin Street and Buffalo Bayou cars shall stop on the far side of the streets.

(39) **Property Left in Vehicles for Hire**—Drivers and operators of public vehicles for hire shall promptly deliver to the Chief of Police all property of value left in their vehicles by passengers.

(40) **Vehicles Shall Not Drive on, Etc., Fire Hose**—No person shall propel, permit or allow any motor vehicle, car, bicycle or other vehicle to be propelled or driven, nor drive, permit or allow any animal attached to any vehicle whatsoever to be driven on, over or across any fire hose, or to obstruct, delay, hinder or impede any fire apparatus or any member of the Police or Fire Department while in the discharge of their respective duties along, over, on or about any of the avenues, streets, parks or highways or other public places within the city limits.

(41) **Spreaders of Animals Drawing Vehicles Prohibited**—No person, owner or driver in charge of a double team of horses or mules shall use spreaders on the reins, and no team of horses or mules shall be hitched to a wagon or other horse drawn vehicle as that it will cause said horses or mules to spread apart under normal conditions to exceed two feet six inches on the inside from shoulder to shoulder.

(42) **Horses Not to Be Left Unhitched, Unless**—No horse shall be left unattended in any street or highway unless securely fastened, or unless the wheels of the vehicle to which he is harnessed are securely tied, fastened or chained, and the vehicle is of sufficient weight to prevent it being dragged at a dangerous speed with the wheels so secured.

(43) **Horses Shall Not Be Unbitted, Unless**—No horse shall be unbitted in any public street or highway unless secured by a halter.

(44) **Wheels, Etc., Not to Be Removed, Unless**—No person in any street, or highway, shall remove a wheel, pole, whippletree, splinter-bar, or any part of a vehicle, or any part of the harness of a horse likely to cause an accident if the horse should start, without first unhitching the horse or horses attached to said vehicle.

(45) **Streets, Etc., Not to Be Used for Breaking Animals, Etc.**—No person shall drive upon the streets or highways any unduly dangerous or partially "broken" animal, or use the streets or highways for the use of breaking animals, it being the intention of this section to define the words "broken" and "breaking" to the acts of accustoming animals to the saddle and harness, nor shall any person drive any animals on the streets of the City of Houston for the purpose of offering or showing the same for sale.

(46) **Horses, Etc., Not to Be Hitched to Fire Alarm Box, Etc.**—No person shall fasten, tie or hitch any horse or mule or other animal to any fire alarm box, nor to any pole or post

used for the purpose for the support of such box, nor to any tree standing or being on any street or highway in the city limits.

(47) **Spitting in, Etc., Street Cars, Etc., Prohibited**—No person shall expectorate or spit in or upon any part of any street car, railway carriage or other public vehicle carrying passengers for hire, nor in or upon any public building belonging to the city, nor upon any parkway, footpath or sidewalk in the City of Houston.

(48) **Notice Forbidding Spitting to Be Posted**—Street railways and other proprietors of other public vehicles carrying passengers for hire shall keep posted conspicuously in every one of their cars notices forbidding such expectoration.

(49) **Hanging on Street Cars, Etc., by Persons Riding Bicycles, Etc., Prohibited**—It shall be unlawful for any person or persons riding a bicycle, tricycle, motorcycle, skates or other vehicle of like character, or on foot, to cling to or hang on to any street car, automobile or other vehicle while in motion.

(50) **Obstructions of Streets, Etc., by Organizations, Etc., Without Permit, Forbidden**—No person, society, organization or company, or circus parade shall obstruct or impede the ordinary use of the streets, sidewalks, squares, parks or parkways by assembling crowds thereon, or use the same for the purposes of preaching, begging, speech-making, hawking of goods and merchandise, selling medicine or other commodities or pursue any other vocation that will cause the assembly of crowds thereon, without having first obtained a permit from the Mayor and the City Council.

(51) **Duty of Police to Familiarize Themselves With Traffic Ordinance, Etc.; Duty of Persons Using Streets**—It shall be the duty of the police to thoroughly acquaint themselves with the provisions of this article and to assist all persons using the streets of the City of Houston to become acquainted and to comply therewith. And it shall be the duty of all persons using the streets and ways of the City of Houston to comply with these regulations or with any directions or suggestions with regard thereto given to or made by the police.

(52) **Duty of Drivers in Case of Accidents, Etc., Due to Driving, Etc.**—In case of accident to or collision with persons or property upon any of the public streets, parks or parkways of the City of Houston due to the driving or operation thereon, of any vehicle, the person so driving or operating such vehicle shall stop and give such reasonable assistance as can be given,

and shall upon request of the person injured or any other person give such person his name and address, and if not the owner, the name and address of the owner of such vehicle, together with the registered number of such vehicle, whether such vehicle is motor propelled or horse drawn. (Id., Sec. 4.)

Sec. 1303. Vehicles Not to Stand Longer Than; Exceptions—No person shall leave a vehicle hitched or standing in front of any person's residence, place of business or property for more than thirty minutes against the consent of the owner or occupant of such property, and in the district bounded by Franklin Avenue, Texas Avenue, Fannin Street and Travis Street, said streets being included, no vehicle shall be left standing or hitched for a longer period than thirty minutes; provided, that this section shall not apply to streets and places that have been created as hack stands, nor shall it interfere with persons selling produce on the Market Square by permission of the City of Houston or the Market Master. (Id., Sec. 5.)

Sec. 1304. Persons in Charge of Vehicles Shall Not Refuse, Etc., to Stop, Etc., as Directed by Police Officers—No person having charge of a vehicle in the public streets shall refuse or neglect to stop, or move, or place the same as directed by the police officers, any of these rules to the contrary notwithstanding. (Id., Sec. 6.)

Sec. 1305. Penalties—Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor, and upon conviction thereof in the Corporation Court shall be fined in any sum not less than One Dollar nor more than One Hundred Dollars. (Id., Sec. 7.)

ARTICLE 8.

MISCELLANEOUS.

Sec. 1306. Unlawful to Wash Vehicles on Streets Paved With Brick or Asphalt—It shall be unlawful for any person, firm or corporation to wash any carriage, wagon or other vehicle upon any street of the City of Houston now paved or hereafter paved with asphalt or brick. (Code 1904, Art. 700.)

Sec. 1307. Unlawful to Mix Mortar or Cement on Said Streets—It shall be unlawful for any person to mix any lime or other mortar or cement upon any of said streets. (Code 1904, Art. 701.)

Sec. 1308. Unlawful to Make a Fire or Burn Trash on Said Streets—It shall be unlawful for any person, firm or corporation to burn any trash or make any fire upon said streets, or to use any fire thereon in any manner, or to heat the same, or to take any receptacle thereon, in which there is fire that is calculated to heat said pavement on said streets. (Code 1904, Art. 702.)

Sec. 1308a. Injuring Sidewalks—Any person who shall wilfully or maliciously tear up, injure, deface or destroy any sidewalk, or any portion thereof, shall be fined not less than Five nor more than One Hundred Dollars. (Code 1904, Art. 715.)

Sec. 1309. Livery Men Injuring Streets—That it shall be unlawful for any person or persons, being the owner of any livery, sale or feed stable, to keep, feed, clean, wash or allow to stand and stamp upon any pavement on the street in the City of Houston, any horse, mule, or other animal; provided, however, that this section shall not apply to the ordinary use or usual stoppage of animals in harness and hitched to vehicles and in charge of a driver. (Code 1904, Art. 716.)

Sec. 1310. Width of Tires to Prevent Injury to Pavements—That no person shall use, cause or suffer to be used, any wagon, cart or other vehicle of heavy draft upon any pavement or macadamized street, highway or other public place of the City of Houston for the purpose of drawing or hauling brick, sand, stone, ice, wheat, corn, flour, logs, lumber, coal, wood, iron, copper or other heavy material, unless the tires upon the wheels of such cart or other vehicle, when drawn by one or two horses or other animals, are at least three (3) inches in width; and by more than two horses or other animals, are at least four (4) inches in width; but this section shall not apply to vehicles now in use in this city until the tire or felloes of such vehicle is repaired or worn out, or to vehicles used by farmers and gardeners, coming into the city with garden or farm products, or to vehicles used generally for the purpose of conveying persons or passengers. (Code 1904, Art. 718.)

Sec. 1311. Penalty—Any person violating or failing to comply with the provisions of the preceding section shall be punished by a fine of not less than One Dollar and not more than Fifty Dollars. (Id., Art. 719.)

Sec. 1312. Hauling of Gravels, Etc., in Wagon—The hauling of gravel or broken rock, or kitchen slops, brewing mash

and stable manure, is hereby prohibited over any of the streets in the City of Houston, in loosely constructed wagons which admit of said gravel, rock or filth dropping out upon the streets of the city, but said material and matter to be only hauled in wagons so constructed as to prevent any of its contents dropping upon any of said streets. (Id., Art. 457.)

Sec. 1313. Penalty—Any person violating any of the provisions of the preceding section shall be fined any sum not less than One Dollar nor more than Twenty-five Dollars. (Id., Art. 458.)

Sec. 1314. Unlawful to Throw Banana Peelings on Sidewalks—It shall not be lawful for any person to throw any banana peeling on any sidewalk or street crossing. (Code 1904, Art. 720.)

Sec. 1315. Unlawful to Ride or Drive On or Across Sidewalks—It shall be unlawful for any person to ride or lead any horse, or drive any team on or across the sidewalks, except at such places as may be constructed and used for that purpose. (Code 1904, Art. 721.)

Sec. 1316. Throwing Articles from Roof or Upper Story—Any person who throws any article from the roof or an upper story of a house upon any street or sidewalk must be fined. (Code 1904, Art. 728.)

Sec. 1317. Any person or persons violating any of the previous sections of this article, where other penalty is not provided, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not more than One Hundred Dollars. (Sept. 5, 1905; Ord. Bk. 2, p. —, Sec. 1.)

Sec. 1318. Throwing of Trash, Etc., on Sidewalks, Etc.; Fastening of Handbills to Poles, Etc.; Penalty—The throwing, depositing or placing of any stable manure, hulls, peelings, handbills or other deposits or litter upon sidewalks, streets or other public places in the City of Houston, and also the tying or otherwise posting or fastening of any handbills, advertising paper or other advertising device to any telegraph or telephone pole, fence, bridge or other structure upon or fronting or abutting upon or enclosing any of the streets, sidewalks or ways of the City of Houston, be and the same is hereby declared a nuisance, and any person violating this section shall be punished by fine not less than One Dollar and not more than Five Dollars. (Amendment Art. 386, Oct. 30, 1905; Ord. Bk. 2, p. 241, Sec. 1.)

Sec. 1319. Unlawful to Throw Trash on Sidewalks, Etc.—

It shall be unlawful for any person to cast or throw any paper or other trash into or upon any public street or sidewalk or any part thereof of the City of Houston, and any person violating this section shall be guilty of an offense, and on conviction thereof in the Corporation Court shall be punished as hereinafter provided. (Jan. 4, 1910; Ord. Bk. 2, p. 549, Sec. 1.)

Sec. 1320. Unlawful to Permit Paper to Remain on Street, Etc.—It shall be unlawful for any person or corporation, the owner, lessee or occupant of any house, building or place fronting on a public street of the City of Houston to permit any paper or trash to be or remain in said street opposite said premises at any point between the line of said property and the center of the street, and any person violating this section shall be guilty of an offense, and on conviction thereof in the Corporation Court shall be punished as hereinafter provided. (Id., Sec. 2.)

Sec. 1321. Penalty—Any person, corporation or association violating any of the provisions of the next two preceding sections shall, on conviction thereof, be fined in the Corporation Court in any sum not less than Five Dollars (\$5.00) nor more than One Hundred Dollars (\$100.00) for each offense. (Id., Sec. 3.)

Sec. 1322. If Deposited in Galvanized Box, Etc., No Offense—Where a person deposits such trash, as under the ordinances of the City of Houston is removed by the city garbage wagons, within a galvanized iron box or receptacle upon the sidewalk for the purpose of being removed by such garbage wagons, shall not be guilty of any offense under the next preceding sections. (Id., Sec. 4.)

Sec. 1323. Parades Unlawful Without Permit; Penalty—That it shall be unlawful for any number of persons, or for any company or circus or theatrical troupe, to parade the streets of the City of Houston without having first obtained a permit from the Mayor of said city.

That the granting of said permits shall be a matter for the discretion of the Mayor. That said permit, when granted, shall state the streets, avenues, alleys and thoroughfares over which said parade is granted permission to pass. That should the Mayor deem it advisable to grant a permit, as herein provided, no fee shall be charged therefor.

That any person, company, corporation or troupe which shall undertake to parade the streets of the City of Houston without having obtained a permit, as herein provided, shall be guilty of a misdemeanor, and shall, upon conviction thereof in the Corporation Court, be fined in any sum not more than Two Hundred Dollars; provided, that each person engaged in such parade in violation of this section shall be deemed to have committed a separate offense, and shall be fined in any sum not greater than Two Hundred Dollars. (Aug. 13, 1906; Ord. Bk. 2, p. 313, Sec. 1.)

Sec. 1324. Unlawful to Have Circus Parades from 1st to 20th November; Penalty—It shall be unlawful for any circus, as defined in Section 897, to make or have a public parade on any of the streets of the City of Houston during that period of time from the first to the twentieth day of November of any year. (Oct. 21, 1907; Ord. Bk. 2, p. 450, Sec. 3.)

Sec. 1325. Penalty—That any person, corporation, or an association of persons, or their agents or employees, who shall conduct or assist in any manner to violate the provisions of Section 1324, shall be fined not less than One Hundred Dollars (\$100.00) and not more than Two Hundred Dollars (\$200.00); provided, that each exhibition and parade given in violation hereof shall constitute a separate offense. (Id., Sec. 4.)

Sec. 1326. Unlawful to Permit Water from Hydrant on Sidewalk, Etc.—That it shall be unlawful for any person, firm or corporation to permit the water from any hydrant, situated upon premises owned or controlled by such person, firm or corporation, to run upon and cause to become muddy and wet any sidewalk or street of the City of Houston. (Oct. 30, 1906; Ord. Bk. 2, p. 335, Sec. 1.)

Sec. 1327. Discharge of Water from Fountain, Etc.—No person shall cause or allow to be discharged from his premises the water from any fountain or sink upon the surface or any part of any street or other public ground within the city, so as to cause a public nuisance by so doing. The Water Commissioner may, when in his judgment it is necessary, notify any person not to allow water from any fountain or sink on his premises to be discharged in violation of this section. (Id., Sec. 9.)

Sec. 1328. Penalty—Violation of the next foregoing two sections shall be punished, on conviction thereof, by a fine of not less than One Dollar and not more than One Hundred Dol-

lars, and shall also be liable for any damages to persons or property caused by reason of such violation. (Id., Sec. 20.)

Sec. 1329. Governing Sweeping of Sidewalks—That it shall be unlawful for any person to sweep any sidewalk within the fire limits of the City of Houston, between the hours of 7:30 o'clock and 9:00 o'clock a. m., and also between the hours of 5:00 o'clock and 9:00 o'clock p. m. (Nov. 22, 1909; Ord. Bk. 2, p. 499, Sec. 1.)

Sec. 1330. Unlawful to Dry Sweep Sidewalks—That it shall be unlawful for any person to sweep any sidewalk within the fire limits of the City of Houston by the method known as "dry sweeping" at any time between the hours of 9:00 o'clock a. m. and 5:30 o'clock p. m. By "dry sweeping" is meant sweeping without the use of water or other liquids to allay the dust in sufficient quantities to have that effect. (Id., Sec. 2.)

Sec. 1331. Moist Sweeping Lawful—That moist sweeping by the use of dampened bits of paper, sawdust, tea leaves or other dampened materials equally effective shall be lawful during any hours of the day other than those prohibited in Section 1329. That is to say, moist sweeping is permitted between the hours of 9:00 o'clock a. m. and 5:00 o'clock p. m.; that dry sweeping is permitted from 9:00 o'clock p. m. throughout the night until 7:30 o'clock a. m. (Id., Sec. 3.)

Sec. 1332. Penalty—Any person violating any provision of the three next preceding sections shall be deemed guilty of an offense and upon conviction thereof in the Corporation Court shall be fined in any sum not less than One Dollar (\$1.00) nor greater than Two Hundred Dollars (\$200.00). (Id., Sec. 4.)

Sec. 1333. Regulating Use Stewart Avenue, Etc.—From and after the passage and approval of this ordinance Stewart Avenue from its intersection with Main Street to its intersection with Courtlandt Boulevard and Courtlandt Boulevard and Lovett Boulevard to the intersection of the west line of Montrose Avenue, and Montrose Avenue throughout, shall be used only for light driving, and it shall be unlawful to do or to cause to be done any heavy hauling on said streets within said limits, or to use the same for wagons, drays or trucks carrying coal, lumber, hay, iron, machinery, ice, beer, merchandise, farmers' products, stone, brick, sand, earth, building material, baggage or express matter, heavy merchandise or other heavy material, or for driving cattle, horses, mules, hogs or sheep in

droves or herds, or for the passage of empty drays, wagons or trucks, or other vehicles not having springs; provided, however, that nothing herein contained shall be considered to restrain the right to cross said streets at intersecting avenues, or to use the same within and to the extent of one block for the delivery of building materials, household supplies, coal, baggage, merchandise and farmers' products at the premises on the block so used. (April 14, 1913; Ord. Bk. 3, p. 323, Sec. 1.)

Sec. 1334. Penalty—Any person violating the provisions of the foregoing section shall, upon conviction thereof in the Corporation Court, be fined in any sum not less than One Dollar (\$1.00) nor more than Twenty-five Dollars (\$25.00) for each offense. (Id., Sec. 2.)

Sec. 1335. Changing Name of Montgomery Avenue to North Main—That that public street of the City of Houston on the north side of Buffalo Bayou beginning at the north end of the viaduct and extending in a northwesterly direction to the north side of Boundary Street, now known and shown on the map as Montgomery Avenue, be and the name of the same is hereby changed between said points to and said public street shall hereafter be known as North Main Street. (July 7, 1913; Ord. Bk. 3, p. 393, Sec. 1.)

Sec. 1336. Changing Name of Willow Street to North San Jacinto—That the public street of the City of Houston on the north side of Buffalo Bayou beginning at the north end of the San Jacinto Street Bridge and extending in a northerly direction to its intersection with Liberty Avenue, now known and shown on the map as Willow Street, be and the name of the same is hereby changed between said points to and said public street shall hereafter be known as North San Jacinto Street. (Dec. 29, 1913; Ord. Bk. 3, p. 585, Sec. 1.)

Sec. 1337. Removing Landmarks and Street Signs—Any person who removes any post, stake or other mark indicating the lines of any street or alley, or who pulls down, removes or defaces any board, sign or plate indicating the name of any street, must be fined not less than One nor more than One Hundred Dollars. (Code 1904, Art. 645.)

CHAPTER XLII.**Taxes and Taxation.**

- Article 1.—Levies, Etc.**
2.—Occupation.
3.—Occupation (Liquor).
4.—Assessor and Collector.
5.—Rendition, Assessment, Etc.
6.—Collection.
7.—Delinquent Tax Attorney.
8.—Delinquent, Etc.
9.—Miscellaneous Provisions.

ARTICLE 1.**LEVIES, ETC.**

Sec. 1338. Taxes to Be Levied—It shall be the duty of the City Council at its first meeting in February of each and every year to levy such ad valorem and occupation taxes as may be necessary to cover the expenses of the city government for the current year; provided, however, that failure to levy such taxes at such meeting shall not prevent the same being levied at any subsequent meeting of said Council; and provided, further, that if the Council should fail or neglect to pass a tax ordinance for any one year, levying the taxes for that year, that the tax ordinance last passed will be considered in force, and the failure to pass such ordinance shall in no wise invalidate the collection of the tax. (Code 1904, Art. 1075.)

Sec. 1339. City May Foreclose Lien Against Any Taxpayer—The tax levied by the city is hereby declared to be a lien, charge and encumbrance upon the property on which the tax is due, not only as against any resident of this State, but entitled to enforce and foreclose in any court having jurisdiction of the same, and the lien, charge and encumbrance on the property in favor of the city for the amount of the taxes due on such property is such as to give the State courts jurisdiction to enforce and foreclose said lien on the property on which the tax is due, not only as against any resident of this State, but against persons who are non-residents of this State, or whose residence is unknown, and against the unknown heirs of any

persons who own the property on which the tax is due. (Id., Art. 1111.)

Sec. 1340. All Property in Said City, Except Herein Specially Exempted, Subject to Taxation—All property, real, personal or mixed, except such as may be hereinafter expressly exempted, is subject to taxation, and the same shall be rendered and listed in the manner prescribed by the general laws in regard to general State taxation, when applicable. The definition of property and terms, as defined by the general laws under the head "Taxation," and what is subject to taxation, as prescribed by the general laws of this State, shall apply to the taxation of this city. All taxes shall be payable at the office of the Assessor and Collector, and no demand by him shall be necessary or requisite to enforce the collection thereof by any proceedings herein prescribed, nor for any taxes due before the passage of this act. (Id., Art. 1116.)

ARTICLE 2.

OCCUPATION.

Sec. 1340a. Duty to Pay Occupation Tax; Penalty—That it shall be the duty of every person, firm, association of persons, company or corporation pursuing a business, profession, occupation, avocation or calling within the limits of the City of Houston, during the year 1914 and each year thereafter until otherwise provided, upon which there is or may be levied an occupation tax by the City Council of the City of Houston before commencing or engaging in such business, profession, occupation, avocation or calling, or other taxable vocation, to procure a license from the Assessor and Collector of Taxes for said city to pursue the same, and the failure, neglect or refusal to procure said license shall be an offense against the City of Houston, and that any person so offending shall, upon conviction, be fined in the sum of Ten Dollars (\$10.00) for each and every day such violation may have, or may thereafter be continued. (Feb. 5, 1914, Ord. Bk. 4, p. 154, Sec. 1.)

Sec. 1341. Occupation Taxes—That there shall be levied and collected from every person, firm, company, corporation or association of persons pursuing any of the occupations hereinafter named, an annual occupation tax as hereafter specified, until otherwise ordained, which shall be paid annually in advance, except when herein otherwise provided, on every such occupation or separate establishment; provided, that all licenses shall expire on the 31st day of December of

each and every year, and if the time for which said license is issued hereunder be for less time than one year, then said Assessor and Collector of Taxes shall collect for such fraction of a year at the rate fixed herein for one year.

(a) **Itinerant Merchants**—From every merchant who may remove from place to place and offer for sale “bankrupt stocks” of goods, or advertise “fire sales” or “water and fire damaged stocks for sale” for a limited period of time, there shall be collected Fifty Dollars (\$50.00) per month for the first month or less than a month for each and every place where such business is located, and for each additional month at any given place Ten Dollars (\$10.00) per month, provided that where they remain for six (6) months in one place, in addition to the Fifty Dollars (\$50.00) charged for the first month, they shall pay an additional sum of Five Dollars (\$5.00) per month.

(b) **Traveling Venders, Patent Medicine**—From every traveling person selling patent or other medicines, Fifty Dollars (\$50.00).

(c) **Auctioneers**—From every auctioneer an annual tax of Five Dollars (\$5.00).

(d) **Ship Brokers and Agents**—From every person, firm or association of persons following the occupation of ship brokers or ship agents, an annual tax of Five Dollars (\$5.00).

(e) **Persons Selling on Commission**—From every person, firm or association of persons selling on commission, Five Dollars (\$5.00).

(f) **Itinerant Physicians, Etc.**—From every itinerant physician, surgeon, oculist or medical or other specialist of any kind traveling from place to place in the practice of his profession, exclusive of dentists in the county of their residence, an annual tax of Twenty-five Dollars (\$25.00).

(g) **Shooting Gallery**—From every person or firm keeping a shooting gallery at which a fee is paid or demanded, an annual tax of Fifteen Dollars (\$15.00).

(h) **Billiard and Pool Tables**—From every billiard or pool table or anything of the kind used for profit, Ten Dollars (\$10.00); and any such table used in connection with any drinking saloon or other place of business where intoxicating liquors, cigars or other things of value are sold or given away, or upon which money or other thing of value is paid, shall be regarded as used for profit.

(i) **Nine and Ten Pin Alleys**—From every nine or ten pin alley, or any other alley used for profit, by whatever name

called, construed or operated upon the principle of a bowling alley as described in Section 9 of the revised State statutes, Fifty Dollars (\$50.00).

(j) **Hobby Horses, Etc.**—From all persons keeping and using for profit any hobby horse, flying jenny or device of that character with or without name, Seven Dollars and Fifty Cents (\$7.50).

(k) **Peddlers**—From every foot peddler, Two Dollars and Fifty Cents (\$2.50) ; from every peddler with one horse or one pair of oxen, Three Dollars and Seventy-five Cents (\$3.75) ; from every peddler with two horses or two pairs of oxen, Five Dollars (\$5.00) ; provided, that nothing herein contained shall be so construed as to include traveling vendors of literature or traveling vendors of poultry, vegetables, fruit or other country produce exclusively, and fruit trees exclusively.

(l) **Clock Peddlers**—From every person or firm who peddles out clocks, agricultural implements, cooking stoves or ranges, wagons, buggies, carriages, surreys and other similar vehicles, washing machines and churns, an annual tax of One Hundred and Twenty-five Dollars (\$125.00).

(m) **Theaters**—From every theater or dramatic representation for which pay for admission is demanded or received, Two Dollars and Fifty Cents (\$2.50) per day; provided, that theatrical or dramatic representations given by performers for instruction only, or entirely for charitable purposes, shall not be herein included; and provided, however, that this tax shall not be collected where the performances are exhibited in regularly recognized opera houses or theaters, but in lieu of said tax, the managers thereof shall pay an annual occupation tax of Twelve Dollars and Fifty Cents (\$12.50).

(n) **Circuses**—From every circus wherein equestrian or acrobatic feats or performances are exhibited, and pay for admission is demanded or received for each performance or exhibition where an admission fee of One Dollar is charged, One Hundred and Twenty-five Dollars (\$125.00) ; for each performance or exhibition where an admission fee of Seventy-five Cents is charged, One Hundred Dollars (\$100.00) ; for each performance where Fifty Cents or less is charged, Fifty Dollars (\$50.00) ; provided, that the amount of fee charged for reserved seats shall be considered as a part of such admission fee; provided, that where there is a combination of circus and menagerie, or circus and other exhibition, the highest tax fixed by this section for any division or department of the combination shall be collected; provided further, that

every show or exhibition which advertises itself as a circus and menagerie or a combination of circus and menagerie, shall be held and be construed to be a circus and menagerie whether it be such or not.

(o) **Menagerie, Etc.**—From every wax works, side show or exhibition whether connected with a circus or not where a separate fee for admission is demanded or received, Five Dollars (\$5.00) for each performance or exhibition in which fees for admission are received.

(p) **Acrobatic Performances**—From every exhibition where acrobatic feats are performed and an admission fee charged for profit, not connected with a circus or theater, Five Dollars (\$5.00) for each performance.

(q) **Sleight of Hand Performances**—From every sleight of hand performance or exhibition of legerdemain not connected with a theater or circus, Twelve Dollars and Fifty Cents (\$12.50).

(r) **Wax Works, Etc.; Exemptions**—From every menagerie, wax works or exhibition where a separate fee for admission is demanded or received, Five Dollars (\$5.00) for each day on which such admission fees are received; provided, that exhibitions by associations organized for promotion of art, science, charity or benevolence shall be exempt from taxation; and provided further, that persons who form a museum composed entirely of the products of Texas shall have the right to exhibit the same for a fee without paying an occupation tax.

(s) **Concerts, Etc.; Exemptions**—From every concert where a fee for admission is demanded or received, One Dollar (\$1.00); provided, that entertainments when given by the citizens for charitable purposes, or for the support or aid of literary or cemetery associations are exempt.

(t) **Insurance Adjusters and General Agents**—From each and every person acting as general adjuster of losses or agents of fire and marine insurance companies who may transact any business as such in this city, an annual occupation tax of Twenty-five Dollars (\$25.00). By "general agent" is meant any person or firm representative of any insurance company, or who may exercise a general supervision over the business of such company in this city, or over the local agency in any subdivision of the city.

(u) **Lightning Rod Dealers and Canvassers**—From any person, firm or association of persons dealing in lightning rods,

an annual tax of Eighteen Dollars (\$18.00), and upon each person canvassing for the sale of lightning rods, an annual tax of Fifty Dollars (\$50.00).

(v) **Cotton Brokers, Factors and Commission Merchants**—From every person, firm or association of persons following the occupation of cotton broker, cotton factor or commission merchant, Seventeen Dollars and Fifty Cents (\$17.50). A commission merchant in the meaning of this section is every person, firm or association of persons receiving country produce, horses, cattle, sheep, hogs, grain, corn, hay, lumber, shingles, wood, coal, goods, wares and merchandise, or anything else for sale to be accounted for to the owner when sold and charging a commission therefor.

(w) **Pawnbrokers**—From every pawnbroker, an annual tax of Seventy-five Dollars (\$75.00).

(x) **Sewing Machine Dealers**—From every person, firm, agency or association of persons dealing in sewing machines, an annual tax of Seven Dollars and Fifty Cents (\$7.50).

(y) **Gas Companies**—From every gas company manufacturing gas, Seventeen Dollars and Fifty Cents (\$17.50).

(z) **Electric Light Companies**—From electric light companies operating electric light plants, Seventeen Dollars and Fifty Cents (\$17.50).

(a-a) **Skating Rinks**—From each and every owner or keeper of skating rinks used for profit, Twelve Dollars and Fifty Cents (\$12.50).

(b-b) **Base Ball Parks**—From every manager of a base ball park where an admission fee is charged, Twelve Dollars and Fifty Cents (\$12.50).

(c-c) **Wholesale Ice Dealers**—From every person or corporation who are wholesale dealers selling imported or home-made ice to the trade to be sold again, Twenty-five Dollars (\$25.00).

(d-d) **Street Car Companies**—From every street car company, One Dollar (\$1.00) per mile on each mile of track owned by said company or corporation within the city limits.

(e-e) **Phonographs, Etc.**—From every owner or manager of every phonographic, electric battery, graphophone or other like instrument, where a fee is charged, an annual tax of Twelve Dollars and Fifty Cents (\$12.50) ; provided, that when an electric battery shall be used by a regular physician no tax shall be charged.

(f-f) **Moving Picture Shows**—From every owner or keeper of kinetoscope, cinematograph or other similar machines or instruments used for profit, showing the life-like motions of persons or animals, an annual occupation tax of Twelve Dollars and Fifty Cents (\$12.50).

(g-g) **Panorama or View Shows**—From each owner, manager or keeper of every panorama or view show used for profit, exhibiting in wagon, room or tent, or elsewhere, an occupation tax of Five Dollars (\$5.00).

(h-h) **Medicine Shows, Etc.**—From every owner, manager or keeper of every show or company of persons giving exhibitions of music, songs, recitations, sleight of hand, gymnastics, dancing or other kind of performance, which said exhibitions are used for profit by sale of medicines, electric belts or other articles of value, whether charge is made only for seats or not, an annual occupation tax of Twenty-five Dollars (\$25.00).

(i-i) **Brokers**—From every person, firm or association of persons selling on commission, Twenty-five Dollars (\$25.00); this subsection is intended to cover every person, firm or association of persons selling on samples only and who do not carry any stock of merchandise, or anything else on hand.

(j-j) **Cigarette Dealers**—From all dealers in cigarettes, the sum of Five Dollars (\$5.00) per annum; provided, that the license shall describe the house and locality where the dealer proposes to sell cigarettes.

(k-k) **Cannon Crackers, Etc.; Dealers in**—From every person, firm or corporation engaged in selling cannon crackers or toy pistols used for shooting or exploding cartridges, an annual tax of Two Hundred and Fifty Dollars (\$250.00).

By the term cannon cracker is meant any fire cracker or any other combustible package more than two (2) inches in length and more than one (1) inch in circumference, commonly sold and exploded for purposes of amusement. (Id., Sec. 2.)

Sec. 1342. Assessor to Give Receipt—Upon payment of any occupation tax to the Assessor and Collector, he shall give a receipt therefor, which shall show the date of payment, the amount and by whom paid, and the time and purpose for which the tax has been paid. Said receipt shall be countersigned by the Mayor, and the stubs thereof shall be preserved as hereinbefore provided. (Code 1904, Art. 1125.)

Sec. 1343. Occupation License to Be Posted, Etc.; Penalty—It shall be the duty of every person, firm, association

of persons, company or corporation doing business within the City of Houston, to have hung or posted in their office or place of business, in a conspicuous place, the certificate of the collector or license as hereinbefore provided. Any person who shall fail to comply with the provisions of this section shall be fined in any sum not exceeding Ten Dollars (\$10.00). (Feb. 5, 1914, Ord. Bk. 4, p. 154, Sec. 3.)

Sec. 1344. Must Post License Conspicuously—It shall be the duty of every person liable to occupation license tax, and pursuing his occupation at a fixed place, to keep his license conspicuously posted or exhibited at his place of business, and every person liable to license or occupation tax shall exhibit his or her license whenever he or she is called upon to do so by the City Assessor and Collector, or his duly authorized agent or employee, the Chief of Police, Deputy Chief of Police, or any member of the police force, or to any special inspector duly appointed by the City Controller. Any person who fails or refuses to show his license or exhibit same to the Assessor and Collector, or his duly authorized agent or employee, the Chief of Police, Deputy Chief of Police, or to any member of the city police force, or to any special inspector appointed by the City Controller, as prescribed in this section, shall be guilty of an offense, and shall be arrested and fined not less than Ten Dollars (\$10.00) for each time he so fails or refuses to post or exhibit the same as prescribed in this section. (Code 1904, Art. 1127.)

Sec. 1345. Duty of Assessor and Collector and Chief of Police to Enforce the Provisions of This Chapter—It shall be the duty of the Chief of Police and City Assessor and Collector to see that the provisions of this chapter relating to occupation taxes are strictly complied with, and forthwith to present to the Judge of Corporation Court any person violating the same. (Id., Sec. 1126.)

Sec. 1346. Prosecution Dismissed upon Payment of Tax and Costs—Any person prosecuted for the nonpayment of occupation taxes under the provisions of this article or any other ordinance, may have said prosecution dismissed upon the payment of the tax due together with the costs that may have accrued in the Corporation Court against him. (Feb. 5, 1914, Ord. Bk. 4, p. 154, Sec. 4.)

ARTICLE 3.

OCCUPATION (LIQUOR).

Sec. 1347. Spirituous, Vinous and Malt Liquor Dealers; Tax to Be Collected—That hereafter, until otherwise ordained, there shall be collected from every person, firm or association of persons selling spirituous, vinous or malt liquors or medicated bitters, within the City of Houston, Texas, an annual tax on each separate establishment, as follows:

For selling spirituous, vinous or malt liquors, or medicated bitters, capable of producing intoxication, in quantities of one gallon or less than one gallon, One Hundred and Eighty-seven and 50/100 Dollars (\$187.50); for selling spirituous, vinous or malt liquors or medicated bitters, capable of producing intoxication, in quantities of one gallon or more than one gallon, One Hundred and Eighty-seven and 50/100 Dollars (\$187.50); for selling malt liquors exclusively, Thirty-one and 25/100 Dollars (\$31.25). (July 12, 1909, Ord. Bk. 2, p. 517, Sec. 1.)

Sec. 1348. Application for License; Contents; Must Be Sworn to; Procedure Thereafter; License Granted or Refused When; Revoked When; Taxes Paid in Advance; License to Be Posted, Etc.—That every person, firm, corporation or association of persons desiring to engage in the sale of spirituous, vinous or malt liquors, or medicated bitters, in the City of Houston, as set forth in Section 1347 shall, before commencing the sale of such liquors or medicated bitters, file with the Secretary of the city an application, under oath, for license to engage in the sale of such liquors or bitters; said application to be made upon a form to be furnished said applicant by the Secretary and which shall designate the place where it is proposed to carry on the sale of such bitters, giving the street and number of the house and quantity which the applicant proposes to sell, whether one gallon or more, or one gallon or less than one gallon, or whether he or they desire to sell malt liquors exclusively, and shall also state in said application whether said liquors or medicated bitters are to be sold to be drunk on the premises; and if the applicant is a retail dealer, said application shall further state that the applicant is a law-abiding, taxpaying male citizen of the State of Texas, over the age of 21 years, and has been a resident of the county wherein such license is sought for more than two (2) years before the filing of such petition; that his li-

cense as a liquor or malt dealer has not been revoked or forfeited within five years next before the filing of such petition; and if the place of business be in any block or square of the City of Houston where there are more bona fide residences than there are business houses in said block or square, or in any block or square where there is a church or school, then said petition shall state that the applicant has the written consent of a majority of the bona fide householders or residents in said block or square who have resided for at least six months preceding such application and those within three hundred (300) feet of such place of business.

And every application by whomsoever made shall further state that the applicant has not carried on any such business after the expiration of any license previously issued and without having received a new license for such purpose; and shall further state that the place where such business is to be conducted is not situated in any house or building used for the purpose of prostitution or as a house of assignation, or as a house of ill-fame or gambling house or disorderly house, or to be used for such purpose; and shall state generally that the applicant is in all respects qualified by law to conduct the business in the particular place. Said application shall further state (where the proposed place of business is not a business block) that same is not within three hundred feet of a church, school or other educational or charitable institution. Each applicant shall further state that I, or we, and each of us are not disqualified under the laws of the State from engaging in the proposed business; that no other person or corporation is in any manner interested in the proposed business; that I, or we, have not since the 1st day of May, A. D. 1909, as owner or as representative, agent or employee of any other person, kept open any saloon or place of business where spirituous, vinous or malt liquors, or medicated bitters, capable of producing intoxication, were sold, or sold, aided or advised any other person in selling in or near any such house or place of business any such liquor after 12:00 o'clock midnight on Saturday, and between that hour and 5:00 a. m. on the following Monday of any week; and have not since the 1st day of July, 1913, as owner or as representative, agent or employee of any other person, kept open any saloon or place of business where spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, were sold, or sold, aided or advised any other person in selling in or near any such house or place of business any such liquor after 9:30 o'clock p. m. on Saturday and between that hour and 6 o'clock a. m. of the

following Monday of any week, or between the hours of 9:30 o'clock p. m. and 6 o'clock a. m. of the following morning of any week day, or since said date, either in person or by agent or employee knowingly sold or permitted to be sold or given away in or near any such place of business any spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, to any person under the age of 21 years, or to any student of any institution of learning, or to any habitual drunkard after having been notified in writing through the Sheriff or other peace officer by the wife, sister, father, mother or daughter of such person not to sell to such habitual drunkard, or permitted any person not over the age of 21 years of age to enter and remain in such house or place of business, or permitted any games prohibited by the laws of the State to be played, dealt or exhibited in or about such house or place of business; or rented or let any part of the house or place of business in which such business is conducted to any person or persons for the purpose of conducting any game or games prohibited by the laws of this State; or knowingly sold or given away any adulterated or impure liquors of any kind, or sold or permitted or aided or advised in selling under a retail malt dealer's license any other liquor than those defined by the law as malt liquors. And if the permission herein sought to be granted and the said retail license be issued, I or we will not, in person or knowingly by any agent, employee or representative, during the period for which such license shall run, do any of the things which I or we have above sworn that I or we have not done since July 1st, 1913; and I will during the period this license has to run abide by and not violate the laws governing said business, and it is hereby agreed that if the license applied for be issued that the same will be issued upon condition that it shall remain in force only so long as I or we observe and carry out each and all of the declarations herein made; and that in the event I or we violate any of the promises, or do or perform any one or more of the acts which it is herein declared shall not be done or performed, then in such event the City Council of the City of Houston may rescind, cancel and annul the said city license granted in pursuance of this application, and that all money paid for such license shall be forfeited to the city; and that I or we will at once, upon the cancellation of such license, close up the place where such business is being conducted and cease to do such business, and the applicant shall state whether or not he has heretofore been in the liquor business, and if so, where and for what period

of time. The applicant shall further state that his license, either as a retail liquor dealer or retail malt dealer, has not been revoked or forfeited within five years before his application for license, and that he has not had in his employ in his business as a retail liquor dealer or retail malt dealer, any person whose license has been revoked or forfeited within five years next before the filing of such application; and further, that he has not carried on any such business after the expiration of a license previously issued and without having received a license for such purpose. Such application shall be duly sworn to by each applicant therefor in person.

The City Secretary shall then refer the said petition to the Mayor and Aldermen, and the Mayor and Aldermen shall investigate into the facts stated in said petition, and if they are found to be true, the Mayor shall direct the Secretary to issue a certificate, countersigned by the Mayor, showing that such application has been made as herein provided, and that the applicant is entitled, on payment of the proper tax, to his license as a liquor dealer in the City of Houston; and thereupon, and not before, there shall be issued by the Assessor and Collector of Taxes, a license to said applicant upon the payment of the annual tax levied herein, or such portion thereof as will pay for said license to the 31st day of December. If the facts stated in said application are found by the Mayor and Council to be not true, then the Secretary shall in no event issue the certificate aforesaid, nor shall license issue to the applicant or any occupation tax be collected from him as a liquor dealer. Any person who applies for a permit under this article and who shall have previously conducted a saloon in the city and whose establishment has been a loafing place for disorderly characters or criminals, or a common resort for disorderly persons or for criminals, or for prostitutes, or coke fiends, or thieves, or other low and degraded characters, or who in the conduct of his establishment has not respected the laws and ordinances of the city; or who shall have given aid, comfort or assistance to violators of the law, or shall have been found in possession of stolen goods, shall not be considered a law-abiding citizen, nor shall any permit be issued to him by the City of Houston, nor shall any tax be received from him as a liquor dealer. Should the Mayor and Council ascertain at any time after the issuance of said license that the statements made in said application are false; or should anything occur after the issuance of such license which would under the general laws of the State authorize the revocation of a State license, the Mayor and Council shall thereupon,

after notice to the holder of such license, investigate into the facts, and if they find such delinquency to exist, they shall cancel such license, and thereafter it shall be unlawful for such holder to conduct such business in the City of Houston, the same as if no license had ever been granted to him.

All taxes herein levied shall be paid in advance. All licenses issued hereunder shall be posted in a conspicuous place in the place of business of said licensee, and a failure to so post the same will subject the licensee to all the penalties as if same had not been issued. (Amendment Jan. 28, 1914, Ord. Bk. 4, p. 77, Sec. 1.)

Sec. 1349. Hearing on Application; When Mayor and Aldermen Not Satisfied; Action by Mayor—Should the Mayor and Aldermen, on investigation of any application for license, not be satisfied of the truth of the facts stated in the petition therefor, or not be satisfied that the applicant is entitled to the license prayed, then before finally deciding that the applicant is not entitled to said license the Mayor and Aldermen shall indicate in writing by a document filed with the City Secretary, the objections to the issuance of the license and shall therein designate a day and place on which the applicant can offer evidence before the Mayor and Aldermen in support of the allegations of his application. The applicant shall at said hearing offer any evidence he may have as to said objections, and the Mayor and Aldermen may hear any other evidence. After said hearing has been had the Mayor and Aldermen shall, within some reasonable time thereafter, decide whether or not the applicant is entitled to receive said license, and if they so decide, the Mayor shall direct the Secretary to issue the certificate prescribed in Section 1348, and if said petition is denied, an endorsement shall be made to that effect upon the petition for license. (July 12, 1909, Ord. Bk. 2, p. 517, Sec. 2a.)

Sec. 1350. Licenses Not to Be Issued for Longer Than One Year; Expire 31st Day of December; Licenses to State, What—That no license hereunder shall be issued for a period longer than one year, but if the time for which said license is issued hereunder shall be less than one year, then said license shall expire on the 31st day of December, and the Collector shall collect for such fraction of a year at the proportionate rate fixed herein for one year. The license shall state the time for which it is issued, the particular building, number and location, name of the licensee, and the quantities allowed to be sold, which shall be valid and effective only at the place

of the person and in quantities as stated herein, and shall not be subject to transfer except as herein provided. (Id., Sec. 3.)

Sec. 1351. Transfer of License; Sale License under Execution—That if any person, firm or corporation, or association of persons, shall have obtained a license hereunder and desire to transfer same to some other person, firm or corporation, or association of persons, such transfer may be made by presenting the application therefor to the Secretary, and thereupon the assignee shall make application for license, as provided in this article, in the same manner as if he had been the original applicant, and the same proceedings shall be had on said application of the assignee; and if the Mayor and Council find that the said assignee is entitled to be licensed, then the Secretary shall thereupon furnish a certificate of such application and finding of the Mayor and Council, countersigned by the Mayor, and upon presentation of such certificate and license having the transfer endorsed upon the face thereof, the Assessor and Collector shall endorse his approval of such transfer on the face of the license; but such license shall not be assignable or transferable more than once; provided further, that the sale of such license, whether in the name of the original licensee or assignee, may be made under execution or mortgage, and the purchaser of such license at such sale shall have the right to surrender such license to the city which issued the tax receipt, which is the basis therefor, and shall receive therefor the pro rata unearned portion of such license. (Id., Sec. 4.)

Sec. 1352. Refund Unused Portion License—A refund of the unused portion of any city liquor license shall be allowed in all cases where it is allowed by the general law in case of a State license. (Id., Sec. 5.)

Sec. 1353. Change of Place of Business—And any person, firm, corporation or association of persons having obtained a license and desiring to change the place where sales may be made, may have such change made by applying to the City Secretary, as in case of an original application, as provided in this article, and such application shall be referred to the Mayor and Council, and the same proceedings shall be had as if it were an original application, but no additional payment shall be required for such change, but if the Mayor and Council authorize such permit, same shall be certified by the City Secretary, countersigned by the Mayor, to the City Tax Collector, and thereafter the change shall be lawful. (Id., Sec. 5.)

Sec. 1354. Number of Licenses Limited—The City of Houston shall not issue licenses in excess of the number actually issued and existing on the 20th day of February, 1909, unless such number of licenses is less than one for each 500 inhabitants; in which event the city shall, if applied for, issue licenses not exceeding one for each 500 inhabitants of the city. In case the number of licenses issued and existing on the 20th day of February, 1909, is in excess of one for each 500 inhabitants of the city, the number of licenses existing on the 20th day of February, 1909, as applied for shall be granted, but that number shall not be increased until the number of inhabitants of the city increases to the extent that the license is less than one for each 500 inhabitants; but the provisions of this section do not apply to hotels now in existence, or which may hereafter be opened when located in the business section of the City of Houston; and providing that in granting licenses as a retail liquor dealer or retail malt dealer, the City Council shall give preference to those applicants who apply for a permit to do business at the places and locations in the city where licenses issued and actually in existence on February 20th, 1909, City of Houston where permits have heretofore been issued and granted. (Id., Sec. 6.)

Sec. 1355. Penalty—No person shall engage in the sale of spirituous, vinous or malt liquors, or medicated bitters, capable of producing intoxication, in the City of Houston, unless such person shall have paid the tax and possess the license of the City of Houston, prescribed in this article, and unless such person shall comply in all respects with the terms of this article, and any person, firm, corporation or association of persons who shall violate any provision or provisions of this article shall be deemed guilty of an offense, and upon conviction shall be fined in the sum of not less than Ten Dollars (\$10.00) nor more than Two Hundred Dollars (\$200.00) for each violation of this article, and each day that sales of spirituous, vinous or malt liquors or medicated bitters, capable of producing intoxication, are made, and each day that said place of business for selling spirituous, vinous or malt liquors or medicated bitters, capable of producing intoxication, is kept open, in violation of this article, shall constitute a separate offense. (Id., Sec. 7.)

Sec. 1356. Payment U. S. Tax Prima Facie Evidence—That the payment of the United States special tax or State tax, as a seller of spirituous, vinous or malt liquors, shall be prima facie evidence that the persons, firm, corporation or as-

sociation of persons paying such tax are engaged in selling such liquors. (Id., Sec. 8.)

Sec. 1357. Secretary to Keep Record, Etc.—That the Secretary is hereby required to keep a book showing all applications to him for licenses, and for transfers thereof and changes of location, which book shall show the date of application, the person, firm or corporation or association of persons by whom such application is made, and the place where such business is carried on, and the Assessor and Collector of Taxes is required to keep a book which shall show when and to whom licenses are issued, and where sales thereunder are to be made, and all transfers and changes and details thereof. (Id., Sec. 9.)

ARTICLE 4.

ASSESSOR AND COLLECTOR.

Sec. 1358. Creation of Offices; Appointment; Compensation—That there is hereby created the office of Assessor and Collector of Taxes of the City of Houston, who shall be appointed by the Mayor and confirmed by the City Council, and who shall hold the office without fixed term, subject to removal at any time, and who shall receive a salary of \$3600.00 per annum, payable monthly in equal payments. (Jan. 28, 1914; Ord. Bk. 4, p. 72, Sec. 1.)

Sec. 1359. Creation of Offices; Oath; Bond—That such Assessor and Collector, before entering upon the discharge of the duties of his office, shall take an oath of office to the effect that he will faithfully and impartially discharge and perform all the duties of such office of Assessor and Collector of Taxes, and he shall execute and deliver to the City of Houston, and thereafter when required so to do by the Mayor, a bond in the sum of \$20,000.00, payable to said City of Houston, with at least three good and sufficient sureties or a surety company, authorized to do business in Texas, to be approved by the Mayor, conditioned, that the said Assessor and Collector of Taxes shall faithfully perform and discharge all the duties now or which may hereafter be required of him by law, or by the Charter and ordinances of the City of Houston, or by the Mayor or by the City Council in administrative session, and pay over and properly account for all moneys received or collected by him as such Assessor and Collector of Taxes and for the discharge of any and all duties imposed upon him in connection with said office, which said bond shall provide that all the conditions of same are to be performed in Houston, Harris

County, Texas, and that any suit prosecuted and maintained thereon shall be prosecuted and maintained in said Harris County, Texas, and that in case of a recovery thereon, that the obligors thereof agree to pay the expense incurred by or imposed upon the said City of Houston in or about the collection thereof, including attorney's fees, and that said bond shall not become void until the whole amount thereof has been exhausted. (Id., Sec. 2.)

Sec. 1360. Deputies; Appointment; Oath; Bonds; Duties; Salary—That there shall be such deputy Assessors and Collectors as may be appointed by the Mayor, who, before taking the said office, shall take the above oath of office and such deputies who receive, collect or handle moneys shall execute and deliver to the City of Houston, payable to said City of Houston and the Assessor and Collector of Taxes, in such sum as may be fixed by the Mayor with at least three (3) good and sufficient sureties or a surety company, authorized to do business in Texas, to be approved by the Mayor, their bonds conditioned as and containing the obligations provided for in the case of the Assessor and Collector of Taxes, and containing the further provision that in case there should be a recovery against the said Assessor and Collector, on his official bond, or he should be required to pay out any moneys by reason of any act of such deputy, that then such Assessor and Collector may maintain and prosecute and be entitled to recover judgment upon said bond of said deputy for the amount or amounts so recovered against him, or paid out by him as aforesaid. That such deputy shall do and perform all the duties imposed upon and required of said Assessor and Collector, except the receipt and collection of money, which additional authority is conferred upon him when he has given said bond, and shall receive such salary as the Mayor and City Council may fix, and their acts in reference to any of the matters referred to shall be as authoritative and binding as though performed by said Assessor and Collector in person. (Id., Sec. 3.)

Sec. 1361. Assessor, Etc., Power to Administer Oaths—That such Assessor and Collector and his deputies and the chairman of the Board of Appraisement and the Land and Tax Commissioner are authorized and empowered to administer all oaths necessary to obtain a full and complete assessment of all taxable property situated within the limits of the City of Houston.

Sec. 1362. Further Duties—That such Assessor and Collector of Taxes and the chairman of the Board of Appraise-

ment and the Land and Tax Commissioner shall do and perform all the duties prescribed, defined and specified in the Charter, Article 3, Section 4, to be done and performed by the Assessor and Collector, or other officer or employee designated by the City Council and by the existing ordinances of the City of Houston, or those hereafter passed providing for the rendition and assessment of property in said city for taxes. (Id., Sec. 4.)

Sec. 1363. Assessor and Collector to Receive and Collect Taxes and Moneys, Etc.; Further Duties—That the Assessor and Collector shall also be the receiver and collector of all taxes levied and assessed by the City of Houston and all other moneys due and owing to the City of Houston, unless other provision is made for such collection and receipt by some ordinance, and all of the fees and moneys collected by any officer, department or employee of the City of Houston for or on behalf of, or for the benefit of said city. That said Assessor and Collector shall also do and perform all those acts recited and named in said Article III of the Charter to be done and performed by the Assessor and Collector of Taxes, or such officer or employee as may be designated therefor by the Council, and such other and further duties as may be placed upon him by ordinances or by the Mayor or by the City Council in administrative session. That said Assessor and Collector shall pay over daily to the Treasurer of said City of Houston all moneys received and collected by him belonging to, or for, or on behalf of, or for the benefit of the said City of Houston, and shall take the receipt of the Treasurer therefor. (Amendment Feb. 11, 1914; Ord. Bk. 4, p. 144, Sec. 1.)

Sec. 1364. Assessor and Collector Executive Head of Office, Etc.—That such Assessor and Collector shall be the head of the office and all deputy Assessors and Collectors and employees of said office shall be under his direction, control and supervision. (Jan. 28, 1913; Ord. Bk. 4, p. 72, Sec. 7.)

Sec. 1365. Perpetuation of Proceedings; Assessor to Furnish Copy of Roll at the Rate of 15 Cents Per 100 Words—The City Assessor and Collector is hereby authorized, and it shall be his duty, to furnish a copy of any assessment sheet, or any page of said Assessment or Delinquent Rolls referred to in this chapter, at the request of any person, on payment of a fee of fifteen cents per hundred words, and each figure shall be counted as a word, and he shall attach to such copy a certificate, under the seal of his office, certifying the same to be

a true and correct copy of such page or sheet, and full faith and credit shall be given in all courts to the same when thus authenticated by him. And all certificates made and entered in the minutes of the proceedings of said City Council, provided for in this chapter, or copies of the same, certified to by the City Secretary, shall be prima facie evidence of the truth of the matters therein recited, and shall be deemed sufficient to establish and perpetuate the evidence of such facts, as provided for in the Charter of said city. (Code 1904, Art. 1122.)

Sec. 1366. Collection of Taxes on Personal Property; City May Seize Property for Taxes—It shall be the duty of the Assessor and Collector, on the refusal of any person to pay the taxes levied upon the personal property owned by him, to seize and take into his possession as much of the personal property subject to taxation under the laws of the State of Texas, belonging to said delinquent taxpayer, as may be sufficient to pay the taxes upon the personal property due from such taxpayer, as shown on said assessment rolls, and he shall sell the same at public auction to the highest bidder, at the door of the Market House hall, on giving ten days' notice of the time and place of such sale by notice duly posted at three public places in said city, one of which shall be at the door of said Market House hall. (Id., Art. 1123.)

Sec. 1367. Miscellaneous Provisions; Assessor and Collector to Make Monthly Reports—The City Assessor and Collector shall make monthly reports to the City Council at its first regular meeting in each month, showing the amount of ad valorem taxes, occupation taxes and license fees which have been collected by him for the previous month. Said report shall be in writing, under oath, and shall show the kind and character of collections made by him, and whether said taxes and licenses have been collected in money, scrip, coupons or certificates of indebtedness, and what disposition he has made thereof. (Id., Art. 1128.)

ARTICLE 5.

RENDITION, ASSESSMENT, ETC.

Sec. 1368. Inventory and Appraisement of Property for Taxation—Immediately after the first day of January in each and every year it shall be the duty of the Assessor and Collector of Taxes to prepare a list in which he shall write in separate columns and in alphabetical order, the names of all persons owning property on said first day of January subject

to taxation within the corporate limits of the City of Houston. (Code 1904, Art. 1074.)

Sec. 1369. Must Take Inventory of Persons Appearing Before Assessor—It shall be the duty of the Assessor and Collector, or his authorized deputy, or the chairman of the Board of Appraisement or the Tax and Land Commissioner, between the first day of January and fifteenth day of April of each and every year, between the hours of 9:00 a. m. and 12 m., and from 2:00 to 5:00 p. m., to take at his office from any person who may appear before him, a complete list or inventory of such person's taxable property, and of all property subject to taxation by the laws of the State of Texas and by the ordinances of the City of Houston, held or controlled by such person as agent or attorney, trustee, guardian, executor or administrator; but assessments taken on other days and between other hours than those herein specified shall be valid. (Amendment Art. 1075, Feb. 9, 1914; Ord. Bk. 4, p. 114, Sec. 1.)

Sec. 1370. Duty of Property Owners to Assess Property Between 1st of January and 1st of March of Each Year—It shall be the duty of every person owning, holding or controlling property within the limits of the City of Houston, subject to taxation under the laws of the State of Texas, and the ordinances of the City of Houston, to render to the Assessor and Collector of said city, at his office in said city, or his authorized deputy, or the chairman of the Board of Appraisement, or the Tax and Land Commissioner, annually between the first day of January and the first day of March and between the hours prescribed in the next preceding article, a full and complete list or inventory of all property so owned, held or controlled by such person or corporation, either as agent or attorney, trustee, guardian, executor or administrator, and to take and subscribe to an oath as to the correctness of such list or inventory as prescribed in Section 1375, and any person or corporation who shall fail to thus render in his or its property for taxation as provided for above, before the same be placed on the Unrendered Roll, shall, when especially requested in person so to do by the Assessor and Collector, or his authorized deputy, or the chairman of the Board of Appraisement, or the Land and Tax Commissioner, be deemed guilty of an offense, and shall be fined in a sum not less than One nor more than One Hundred Dollars. (Amendment Art. 1076, Id.)

Sec. 1371. Property to Be Listed on Blanks Furnished by City—All property rendered in for assessment by the owner thereof, or by any person rendering the same, shall be listed and appraised on assessment sheets ruled and lettered in convenient form to comply with the requirements of this chapter. (Code 1904, Art. 1077.)

Sec. 1372. Must Fully Describe Property Assessed—It shall be the duty of every person rendering in land, or railroad property attached to land, to said Assessor and Collector, or his authorized deputy, or the chairman of the Board of Appraisement, or the Tax and Land Commissioner, for taxation, to describe the same by reference to plat or plats contained in the Assessor's block books so that by reference to the said Assessor's block books the proper description by lot and block, or by metes and bounds, can be had; provided, that if any person's property is not on said plats of said block books, that he shall give the metes and bounds of said property, so that the same can be platted and placed in said plats in said Assessor's block books. In rendering said property for taxes it shall be necessary only to give the volume and page of the Assessor's block book and the number of the tract in said volume and on said page of the property owned by the person rendering the same for taxes, by which means the description of the property can be readily ascertained. In case the owner or agent rendering the property for assessment shall neglect to render the same as above provided, power is hereby given the Assessor and Collector of Taxes, or his authorized deputy, or the chairman of the Board of Appraisement, or the Tax and Land Commissioner, to correct such assessment to conform with the above provision. In all cases where the owner fails or neglects to render his property for taxation, it shall be the duty of the Assessor and Collector of Taxes, or his authorized deputy, or the chairman of the Board of Appraisement, or the Tax and Land Commissioner, to render the same for taxation, and to describe the same by reference to volume, page and tract number of the Assessor's block books, as above provided. They shall not be required to accept any rendition of any such property unless the same shall be described as above provided. (Amendment Art. 1078, Feb. 9, 1914; Ord. Bk. 4, p. 114, Sec. 1.)

Sec. 1373. But One Tract to Be Placed on a Line—But one separate tract of land shall be described on a single line in said assessment sheets. Each tract of land and lot in each block must be valued separately, except where the taxpayer

lists and values several parcels as one, and they are so assessed, or with his knowledge and approbation the several tracts are listed and valued as one, and the land so assessed is subject to the lien for the aggregate tax assessed. If a grantee of a taxpayer who so values and assesses several tracts as one fails to render his property at separate valuations, he will not be allowed to object to the several tracts continuing to be valued as one until he has changed the rendition and asked that each tract be valued separately. The identification of any tract of land mistakenly or imperfectly described shall at all times be assisted by the presumption hereby declared to exist that the tract of land referred to is the tract owned by the owner named at the time of filling out the assessment sheet in the block or larger tract in which the same may be included, as shown on said assessment sheet. (Code 1904, Art. 1079.)

Sec. 1374. Improvements to Be Assessed Separately from Land—When real estate is improved, such fact and the character of the improvements, and the value thereof, exclusive of the value of the tract of land on which the same may stand, shall be shown in said sheets. (Id., Art. 1080.)

Sec. 1375. Oath to Be Taken by Those Rendering Property—The person rendering in property for assessment, after said assessment sheet has been filled out according to his direction, shall take and subscribe to the following oath endorsed thereon, viz:

“I, _____, do solemnly swear that the above inventory rendered by me contains a full, true and complete list of all taxable property owned by me and held in my own name, or held by me for _____, or of which I have the custody as agent, guardian or administrator in this city, subject to taxation by the laws of this State and the ordinances of this city, on the first day of January, 19_____, and that I have true answers made to all questions propounded to me touching the same, so help me God.” (Id., Art. 1081.)

Sec. 1376. Assessor to Assess and Render Property for Those Failing to Do So by April 15th of Each Year—It shall be the duty of the Assessor and Collector of Taxes, or his authorized deputy, or the chairman of the Board of Appraisal, or the Tax and Land Commissioner, to inventory on assessment sheets of appropriate form and to assess the same at what he believes to be the full and true value thereof, the property of persons failing to render the same in for assessment

on or before the 15th day of April in each year, and such inventory and assessment shall be as valid and binding as if such property had been rendered by the owner thereof. If for any years the assessment of any tract or tracts of land be irregular, either because several lots or tracts were assessed together and valued as one tract, or from any other cause whatsoever, the Assessor and Collector of Taxes, and the Board of Appraisement, are hereby given the authority at any time to re-assess said land, and to value each tract separately, or to cure and correct the irregularity, whatever it may be, and the correction when made shall be entered on the tax roll for the year or years the property is so re-assessed, and such re-assessment when made shall be as binding and legal as if originally assessed in the manner corrected. (Amendment Art. 1082, Feb. 9, 1914; Ord. Bk. 4, p. 14, Sec. 1.)

Sec. 1377. Assessor to Have "Block Books"—It shall be the duty of the Assessor and Collector to keep one or more books, to be known as "Block Books," in which shall be entered in numerical order each and every lot, block or other subdivision of real estate within the corporate limits of the City of Houston, and he shall enter in such books in separate columns the name or names of the person or persons assessing such block, tract of land or portion of the same, for taxes, together with a description of the portion of the same unrendered, if any, with the names of the owners of the unrendered portions, if any, and he shall enter upon said assessment sheets as property unrendered or belonging to unknown owners every tract of land or portion thereof not shown by said block book to have been rendered for taxes for that year. (Code 1904, Art. 1083.)

Sec. 1378. Assessor to Have Sheets Bound—Said assessment sheets shall be securely bound in volumes, properly labeled, and shall be preserved in the office of the City Assessor and Collector, and the same shall be completed and turned over to the Board of Appraisement immediately after its appointment. (Id., Art. 1084.)

Sec. 1379. Must Publish Notice of Meeting in Some Newspaper—Notice of the time and place where and when the meetings of said Board will be held shall be given by publication in some daily newspaper published in the City of Houston, which notice shall be published for at least four days previous to the commencement of the meetings of said Board. The following may be the form of notice:

Notice.

The Board of Appraisement of the City of Houston will convene at 9 o'clock a. m. on.....(here insert date), at the market house of the City of Houston, and will remain in session from day to day thereafter until their work is finished. All persons owning property in the City of Houston subject to taxation are hereby notified to appear before us at said place and on said day. (Signed)

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Members of the Board of Appraisement
of the City of Houston.

(Id., Art. 1088.)

Sec. 1380. Assessment Rolls; Assessor to Prepare Two Rolls—Immediately after said Board of Appraisement shall have completed their work and returned said assessment sheets to the Assessor and Collector, it shall be his duty to prepare two assessment rolls, one of which shall be the Rendered Assessment Roll and one shall be known as the Unrendered Assessment Roll. Said rolls shall be prepared on sheets appropriately ruled and lettered, so that the provisions of this chapter may be conveniently conformed to. (Amendment Art. 1092, Feb. 9, 1914; Ord. Bk. 4, p. 114, Sec. 1.)

Sec. 1381. Contents of Each Roll—The City Assessor and Collector shall transfer to said assessment rolls the contents of said assessment sheets so far as necessary to show the name of the owner, when known, the description of the property on which tax is due, the value of the same and the amount of the tax. It shall also be the duty of the City Assessor and Collector to show on each page of said rolls the percentage of tax levied and the current year for which the same is levied; provided, however, that any failure or dereliction in regard to the preparation of such assessment rolls shall in no way affect the validity of any assessment in the same, nor the validity of the title acquired at the sale of any property for non-payment of taxes justly due on such property, unless the party owning such property shall tender the purchaser under such tax sale the amount of taxes justly due on such property at the time such sale was made, together with a penalty of fifty per cent on the amount of such tax, and all costs incurred. (Code 1904, Art. 1093.)

Sec. 1382. Assessor to Sign Each Sheet—Said Assessor and Collector shall sign his name at the foot of each sheet of said rolls to the following certificate, viz:

“I certify that the property listed above has been correctly entered, and that the valuations placed thereon is in accordance with the action of the Board of Appraisement in reference to the same; and I further certify that the calculations showing the amount of taxes assessed against the respective tracts of land and parcels of property, as shown above, for the current year, have been truly made.” (Id., Art. 1094.)

Sec. 1383. Assessor to Swear to Correctness of Rolls—On the final completion of said assessment rolls by said Assessor and Collector, he shall forthwith prepare a certificate, and swear to the same before a notary public, embracing the facts shown and referred to in the following form, viz:
To the Mayor and City Council of the City of Houston:

This is to certify that the assessment rolls of the City of Houston for the current year, beginning on the 1st day of January, A. D. 19....., and ending on the 31st day of December, A. D. 19....., have been completed in accordance with the Charter and ordinances of said city, and that all calculations shown in said rolls are correct. I further certify that I have signed my name at the foot of every page of said assessment rolls to the certificate provided for in Article 1382, Chapter 42, of the Revised Code of Ordinances of said city.

I further certify that the total value of all the property inventoried in said rolls, as shown therein, is correct, and is as follows, viz:

The value of property on the Rendered
Assessment Roll is.....
The value of property on the Unren-
dered Assessment Roll is.....
The value of the property on the Unknown
Roll is
Total value.....

And that the taxes levied on said property, and to be collected by me, as shown in said rolls, amount in the aggregate to the sum of..... (here insert amount).

In testimony whereof, witness my hand this..... day
of..... 19..... (Signed)

.....
City Assessor and Collector.

Sworn to and subscribed before me, this.....day
of.....19..... (Signed)

(Seal)
Notary Public, Harris County, Texas.
(Id., Art. 1095.)

Sec. 1384. Certificate of Board of Appraisement—After said certificate referred to next above has been signed and sworn to by said City Assessor and Collector, the same shall be returned by him to said Board of Appraisement, who, if satisfied that the statements contained in the same are true, shall prepare and sign, under oath, the following certificate, to be written on the same sheet with or attached to the said certificate of the City Assessor and Collector, to-wit:

To the Mayor and City Council of the City of Houston:

We, the undersigned members of the Board of Appraisement for the City of Houston for the current year, do certify that the statements contained in the foregoing certificate of the Assessor and Collector are true, according to the best of our knowledge and belief.

We further certify that in the performance of our duties as said Board of Appraisement we remained in session for at least ten consecutive days in the Market House of said city, between the hours of 9 a. m. and 12 m., and 2 and 4 p. m., and that the notice of said meeting hereto attached (here attach to the certificate a copy of the notice referred to in Article 1379) was duly published for at least four days in a daily newspaper published in the City of Houston, and that our meetings were open to the public, and all persons rendering property for taxation to said City Assessor and Collector for said year, or interested in such property, were allowed to appear before us, and were fairly and impartially heard by us at said meetings touching the value of such property, and that we endeavored in all things to discharge our duties in the premises fairly and impartially, to the best of our ability.

We further certify that before making any change in the value of any property rendered for assessment, we mailed a postal card to the person or corporation rendering such property for taxation, notifying such person or corporation to appear before us at the place where our meetings were held, at a certain time designated in said notice, and that said notice was duly mailed at least ten days prior to the time of any change being made in such valuation by us, and that we have given all persons appearing before us in regard to the valua-

tion of any property described in said Rendered Assessment Roll a full, fair and impartial hearing.

Witness our hands, this..... day of....., 19.....
(Signed)

Board of Appraisement
of the City of Houston.

Subscribed and sworn to before me, this..... day
of....., 19.....

Notary Public, Harris County, Texas.

(Id., Art. 1096.)

Sec. 1385. Certificates, After Being Sworn to, to Be Delivered to City Attorney—Said certificates of said Board of Appraisement, after being signed and sworn to by them, shall be delivered to the City Attorney, together with said certificate of said City Assessor and Collector attached thereto, and it shall thereupon be the duty of said City Attorney to examine said assessment rolls and said certificates, and call the attention of the proper officials to any mistakes or omissions made by them in connection therewith, relating to the form of the same, and secure a correction by them of such mistakes or omissions as he may discover, and when finally satisfied that said certificates and assessment rolls have been properly prepared, and are in due form of law, he shall indorse upon said certificate of the Board of Appraisement the following, viz:

I certify that the assessment rolls of the City of Houston for the current year, and all certificates pertaining to the same, are in due form as required by the Charter and ordinances of said city.

(Signed)
City Attorney.

(Id., Art. 1097.)

Sec. 1386. After Being Endorsed by City Attorney, to Be Read at Next Meeting of the Council—Said certificates of said Board of Appraisement and Assessor and Collector, referred to above, after having been endorsed by said City Attorney, shall be read at the next meeting of the City Council and spread upon the minutes of that meeting, and it shall not be lawful for any officer of said city to pay said Board of Ap-

praisement for their said services, nor shall it be lawful for them to receive pay for the same, until said certificates have been read before said Council and spread upon the minutes of that meeting, as aforesaid, and should the City Secretary fail to enter said certificates upon the minutes of said meeting, he shall be fined in the sum of One Hundred Dollars. The spreading of said certificates upon the minutes of said meeting shall be deemed an approval of said rolls by said City Council, unless action to the contrary by said City Council be had at said meeting. (Id., Art. 1098.)

Sec. 1387. Assessor and Collector to Be Charged in the Amount on Rolls—After said certificates referred to next above have been entered in the minutes of the meeting of said City Council, it shall be the duty of the Controller to charge to the account of the Assessor and Collector the total amount of taxes due the City of Houston for the current year, as shown on said assessment rolls and by his said certificates, which amount shall be a valid claim against said Assessor and Collector and the sureties on his official bond, until the same shall be properly accounted for. (Amendment Art. 1099, Feb. 9, 1914; Ord. Bk. 4, p. 114, Sec. 1.)

Sec. 1388. Supplemental Assessment Roll—That each year immediately after the preparation and making up of the two assessment rolls provided for in Section 1380, the Assessor and Collector shall prepare an Assessment Roll to be known as the "Supplemental Assessment Roll," to be in form, etc., substantially as in said other two rolls and showing the same facts, in and on which he shall enter during the tax year, all assessments of property which the owner thereof may have failed or refused to inventory, assess and render for the prior years or the then year, and which has not theretofore been inventoried, etc., which the Assessor and Collector or chairman of the Board of Appraisement, or Land and Tax Commissioner, has so rendered, inventoried, or assessed, and such other property as may have been rendered, inventoried and assessed by the owner, or either of said officers, either before or after making up the two assessment rolls heretofore referred to, which for any reason does not appear upon either of said two rolls, and he shall, at the end of said tax year, to-wit: On the 31st day of December, after having signed said rolls and sworn to the correctness of the same, as provided for in the case of said other rolls, exhibit them to the Controller, who shall charge the total amount thereof to said Assessor and Collector, as in the case of the other rolls; provided, however,

that the Assessor and Collector may collect the taxes shown on said roll prior to said 31st day of December and report the same to the Controller as in the case of other taxes collected, who shall credit him on the Supplemental Assessment Roll account for that year. (Amendment 1099a, Jan. 28, 1914; Ord. Bk. 4, p. 75, Sec. 1.)

Sec. 1389. This Chapter Directory Merely and Not Mandatory—All the provisions of this chapter, except such as are necessary to the levying of taxes, the inventory and appraisalment of property, and the identification of the same, and the collection of the amount of taxes levied upon such property, and the preparation of the roll showing these facts, together with the name of the owner of such property when known, and the provisions providing for the appointment of a Board of Appraisalment, and the publication of notice to appear before the Board of Appraisalment, are hereby declared to be directory merely, and not mandatory. (Code 1904, Art. 1100.)

ARTICLE 6.

COLLECTION.

Sec. 1390. Rolls to Be Completed by July 1st of Each Year—It shall be the duty of the Assessor and Collector and said Board of Appraisalment to have said assessment rolls hereinbefore described fully prepared and completed by the 1st day of July of each and every year, and all taxes shall be due and payable on the 1st day of July of each and every year, and if not paid by the 1st of January thereafter, the same shall bear interest from the 1st day of January until paid, at the rate of six per cent per annum. It shall be the duty of all persons from whom such taxes are due to call and pay the same to said City Assessor and Collector at his office in the City of Houston between the 1st day of July and the said 1st day of January next thereafter. (Code 1904, Art. 1101.)

Sec. 1391. Assessor and Collector Must Have Stub Book for Tax Receipts—Said Assessor and Collector shall provide a book containing one or more written or printed blank receipts, with corresponding marginal stubs, and before the delivery of any receipt for taxes he shall fill up a blank therefor, and also the corresponding marginal stub, with the amount of tax so paid, specifying each separate tax, the name of the taxpayer, a description of the property, if it be real estate, the year or years for which said taxes are due, the date of payment and the amount and character of the fund received, whe-

ther in coin or other money, city scrip or other funds receivable for taxes, and shall detach said receipt from said book, leaving therein the corresponding stub as a permanent record of his office, which shall be produced before the City Council whenever by it required. Such receipt books shall be furnished by him, signed by the Mayor, and numbered by the City Secretary. (Id., Art. 1102.)

Sec. 1392. All Moneys Received to Be Credited on Some Particular Tract—All sums of money received in payment of taxes shall be credited when received on some particular tract of land or parcel of property, and no money in payment of taxes shall be received on account. (Id., Art. 1102.)

Sec. 1393. Taxes to Be a Lien on Property Assessed—All taxes upon real estate shall be a lien and charge upon the property upon which the taxes are due, which lien may be foreclosed and the tax collected by suit in any court having jurisdiction. All taxes not paid within the time prescribed by the ordinances shall bear interest at the rate of 6 per cent per annum. All real and personal property held, owned or situated in the City of Houston shall be liable for all taxes due by the owners thereof, including taxes on real estate, personal property and poll tax. All personal property may be levied upon, seized and sold by the Assessor and Collector for any taxes that may be due, without further warrant of authority than the production of his tax roll, which sale, when made, shall convey a perfect title to the purchaser thereof, or the amount of the tax may be sued for in any court having jurisdiction and a personal judgment may be recovered against the delinquent taxpayer, or against any person to whom the personal property on which the city tax is due has been sold, or who owns, holds or claims possession of said personal property. (Id., Art. 1108.)

Sec. 1394. May Recover a Personal Judgment—The City of Houston has a right to maintain a suit to recover a personal judgment for the amount of the tax due it, and the tax may be collected by sale of the particular property on which it is assessed, by enforcing the lien, or by the sale of that or other property under a judgment of the court, or by the seizure and sale of personal property. (Id., Art. 1112.)

Sec. 1395. No Part of Tax Legally Due City to Be Remitted, Discounted or Compromised—In no case shall the City Council, or any member of the City Council, or officer of the city, remit, discount or compromise any tax legally due the

city. The city shall have equal right to become the purchaser at all sales of property under judgment or otherwise, for taxes due it. (Id., Art. 1115.)

Sec. 1396. Council Not Authorized to Extend Time—The City Council shall not have the power or authority to extend the time for the payment of taxes, or in any manner delay the Assessor and Collector of Taxes in the preparation of the Delinquent Roll. (Id., Art. 1129.)

Sec. 1397. Assessor and Collector and Board of Appraisalment May Divide Assessments—The Assessor and Collector and the Board of Appraisalment are authorized to divide and separate assessments made on property where mistakes have occurred in reference to the ownership of the same, or where such separation may be deemed by them convenient and equitable on account of such property having been divided by sales subsequently made, or by reason of the death of the owner of the same. (Id., Art. 1130.)

Sec. 1398. Must Not Be Divided to Allow Partial Payments—The Assessor and Collector shall in no case separate or divide assessments so as to allow parties to pay on part thereof, or any part less than the whole amount. And the Assessor and Collector is especially enjoined to allow no separation of payments where real and personal property are assessed together. (Id., Art. 1131.)

ARTICLE 7.

DELINQUENT TAX ATTORNEY.

Sec. 1399. Creation of Office; Appointment—There is hereby created the office of City Delinquent Tax Attorney of the City of Houston, which office shall be filled by a regularly licensed attorney, appointed by the Mayor and confirmed by the City Council, who shall serve not exceeding two years, unless reappointed, and who shall be subject to removal at any time by the Mayor or City Council. (Jan. 5, 1914; Ord. Bk. 3, p. 593, Sec. 1.)

Sec. 1400. Duties, Etc.—The Delinquent Tax Attorney shall have general supervision over and charge of enforcing the collection of any delinquent taxes due to the City of Houston; shall take such steps as may be necessary or advisable to collect the same, including the filing and prosecution of all suits for the collection of such taxes, and to that end shall be furnished by Tax Department with all necessary statements

or other data in the form required by him for the proper preparation and prosecution of such suits; shall represent the city at all tax sales of whatsoever character of properties delinquent to the city for taxes; and shall act for the city in any settlements, adjustments or compromises of tax suits, when required by the City Council. He shall also have supervision over and general charge of properties bought by the city at tax sales, for the purpose of putting the city in possession thereof, and for such purpose shall take all necessary steps, including the filing of suits for possession or for clearing the title to said properties. (Id., Sec. 2.)

Sec. 1401. Officer Tax Department; Salary—The City Delinquent Tax Attorney shall be an officer of the City Tax Department, and shall have such powers and duties as herein prescribed, or as may be required hereafter by the Mayor or City Council. He shall receive a salary of One Hundred and Fifty Dollars per month, payable in equal monthly installments, unless otherwise provided by the Mayor and City Council. (Id., Sec. 3.)

ARTICLE 8.

DELINQUENT, ETC.

Sec. 1402. Delinquent Tax Roll and Sale of Property for Taxes; Assessor to Prepare Delinquent Roll—Immediately after the 1st day of January in every year it shall be the duty of the Assessor and Collector of Taxes to prepare a roll containing a description of all the property described in the assessment rolls of the next preceding year—that is to say, of the year ending on the next preceding 31st day of December, on which the taxes have not been paid. Said roll shall be called the “Delinquent Roll,” and shall consist of a copy from the assessment rolls of so much of the line on which the tract of land or property on which the taxes remain unpaid as will identify the property and show the amount of tax due on the same. After said Delinquent Roll shall have been prepared as aforesaid, the pages comprising the same shall be securely bound in a volume, properly labeled and carefully preserved as an archive of the office of the City Assessor and Collector, and said Assessor and Collector shall sign the following certificate at the foot of each separate page of said Delinquent Roll, viz:

I certify that the above entries have been correctly made out in accordance with the provisions of the Charter and ordinances of the City of Houston.

(Signed)

City Assessor and Collector
of Taxes of the City of Houston.

(Code 1904, Art. 1104.)

Sec. 1403. Assessor Shall Note Payment on Delinquent Roll—Whenever the taxes on any property in said Delinquent Roll shall be paid, the fact of such payment, with the date of the same, shall be noted in said roll opposite the description of the property, and interest on the taxes due, as hereinafter provided, shall in every instance be collected, and the amount of said interest entered on said roll. (Id., Art. 1105.)

Sec. 1404. Assessor and Collector to Furnish Statements to City Delinquent Tax Attorney—During the time that the Assessor and Collector shall prepare the Delinquent Roll above described, he shall prepare separate statements of tax accounts due the city, to be furnished the City Delinquent Tax Attorney, on which to bring suits, which statements shall contain the description of the property, the year for which tax is due, amount of tax due, rate of taxation, and the person or persons, estate, firm or corporation who assesses the same, or whether the property is rendered, unrendered, or owner is unknown, as appears from the tax rolls, which statement the Assessor and Collector shall certify to be correct, and which shall be prima facie evidence of the statements made therein, and that all the requirements of the law have been complied with; and the Assessor and Collector shall be entitled to \$1.00 on each statement so made, which shall be taxed against the delinquent taxpayer on the property, and the Assessor and Collector shall be entitled to refuse to issue any receipt to any delinquent taxpayer until said \$1.00 has been paid; provided, that where several tracts of land and different kinds of property are assessed by the same person, firm, estate or corporation, that they shall be contained in the same statement, which said Delinquent Roll shall be finished and said statements furnished not later than the last day of February of each year. Said Delinquent Roll shall be published during the month of March following for ten days in some daily paper published in the City of Houston, and the said Assessor and Collector shall also be entitled to \$2.00 for advertising each tract of land separately assessed, which shall be taxed as a charge against the property on which the tax is due, and the Assessor and Collector

shall be entitled to refuse to issue any receipt to any delinquent taxpayer until this cost of advertising has been paid; and a failure to comply with these provisions by the Assessor and Collector of Taxes shall be deemed a malfeasance, and be cause for impeachment. Upon receipt of the above tax statements by the City Delinquent Tax Attorney, he shall, as soon as possible, institute suit in the proper court to enforce the collection of taxes due the city, and shall file suit on all of said statements furnished him by the Assessor and Collector of Taxes by the next 1st of October after he has received them and the failure on the part of the City Delinquent Tax Attorney to file suits on said statements by the 1st of October shall be deemed a malfeasance, and be a cause for impeachment; but a failure on the part of the Assessor and Collector of Taxes to prepare the Delinquent Roll, or publish it for the required length of time, or furnish tax statements to the City Delinquent Tax Attorney, or a failure on the part of the city to file suits within the proper time, shall in no wise affect the liability of the delinquent taxpayer, nor shall such failure in any manner be relied on by way of defense against the payment of taxes due the city. Nothing but current money of the United States shall be collected or received in payment of taxes and licenses due or hereafter assessed, except coupons and scrip made receivable for all taxes on the face thereof shall be receivable for all taxes except the bond tax. In cases where the State has instituted suit for taxes, where taxes are due the city on the same property for the same years, that the city may have the right to intervene in said suit and have judgment for its taxes and to enforce and foreclose its lien for said taxes, and in cases where the city has first instituted suit for taxes, that the State may have the same right to intervene. (Amendment Art. 1106, Feb. 9, 1914; Ord. Bk. 4, p. 114, Sec. 1.)

Sec. 1405. Assessor Entitled to \$2.00 for Certain Years—For the years 1890, 1891, 1892, 1893 and 1894 the City Assessor and Collector shall be entitled to Two Dollars (\$2.00) for every deed made to the City of Houston, as required by the ordinances in force in those years; and for the years 1895 and 1896 he is entitled to Two Dollars (\$2.00) for each tax statement executed by him for the taxes due on each piece of property for those years, and he shall refuse to issue any receipt to any delinquent taxpayer until the amount due from said delinquent taxpayer for executing deeds and tax statements, as above specified, have been paid. (Code 1904, Art. 1107.)

Sec. 1406. Taxes May Be Collected by Suit for Years 1875 to 1914, Inclusive—All taxes due by property owners on any and all property for the year 1875, up to and including the year 1914, and for all years to come until otherwise provided by Charter, as appears upon the rolls of said city, may be collected by suit from delinquents and foreclosure of the lien thereon in any court having jurisdiction of the same, and any person who shall purchase property encumbered with a lien for taxes shall be deemed as to such taxes a delinquent taxpayer, and such purchaser takes the property charged with the lien, and he cannot interpose any defense which his vendor might not have interposed had he continued to be the owner. (Id., Art. 1110.)

Sec. 1407. City Attorney to Represent City in All Suits—The City Delinquent Tax Attorney shall represent the city in all suits against delinquent taxpayers. In any and all suits by the City of Houston for the collection of taxes due it for the year 1897 and thereafterwards, the City Delinquent Tax Attorney shall be entitled to a fee of 5 per cent. (5%) of the amount of tax, which 5 per cent. (5%) shall be taxed as costs against the property on which the tax is due; and in no case, after suit has been filed, shall a receipt for taxes be given on the property in suit until after the payment of the 5 per cent. (5%) attorney's fee as above stated, the costs of the Assessor and Collector as hereinafter stated, and all court costs. When judgment has been taken for taxes due on property in suit, the 5 per cent. (5%) attorney's fee and other costs above named shall be taxed against the property to be sold under judgment for taxes, and paid out of the proceeds of the sale of the same, together with the taxes and interest due thereon to the city; provided, that such attorney's fee shall become the property of and payable to the City of Houston. (Amendment Art. 1114, Feb. 9, 1914, Ord. Bk. 4, p. 114, Sec. 1.)

Sec. 1408. Proper Parties to Be Served with Process in Suit—In suit for taxes the proper persons shall be made parties defendant in such suit, and shall be served with process and other proceedings had therein as provided by law for suits of like character in the District Courts of this State; and in case of foreclosure, an order of sale shall issue and the land be sold thereunder as in other cases of foreclosure, which order of sale shall have all the force and effect of a writ of possession between the parties to the suit, and any person claiming under the defendant by any right acquired after the filing of the

suit, and the sheriff or other officer executing such order of sale shall proceed, by virtue of the same, to place the purchaser of the property sold under said order of sale in possession thereof within thirty days after the date of sale, and such order of sale may direct that the sheriff, or other officer executing such order of sale, shall sell the property, either each piece separately as under execution, or in gross as the city through its attorney may direct; and if the defendant or his attorney shall at any time before the sale file with the sheriff or other officer in whose hands any such order of sale shall be placed, a written request that the property described therein shall be divided and sold in less tracts than the whole, together with a description of said subdivisions, then such officer shall sell the land in said subdivisions as the defendant may request, and in such case shall only sell as many subdivisions as near as may be as will satisfy judgment, interest, court costs and other costs hereinafter specified. In all cases in which lands have been sold or may be sold for default in the payment of taxes, it shall be lawful for the sheriff selling the same, or any of his successors in office, to make a deed or deeds to the purchaser, or to any other person to whom the purchaser may direct the deed to be made, and such deed shall be held in any court of law or equity in this State to vest a good and perfect title in the purchaser thereof. (Code 1904, Art. 1117.)

ARTICLE 9.

MISCELLANEOUS.

Sec. 1409. When Description Is Vague—When the description of any property on the assessment sheets or tax rolls is vague and indefinite, the city may show by evidence other than the assessment and tax rolls where the property is located, and on what property the tax is due, what parties own the property, and that the taxes on the same are due and unpaid, and enforce and foreclose the tax lien on such property. (Code 1904, Art. 1109.)

Sec. 1410. Tax Rolls Prima Facie Evidence—For the taxes due on any property for any and all years from the year 1875 up to and including the year 1914, and for all years to come until otherwise provided by Charter, either the tax rolls or a statement of the taxes due on any property, made from said rolls, certified to and signed by the City Assessor and Collector of Taxes of the City of Houston, shall be prima facie evidence that the tax on the property is due, that the facts

stated therein are true, and that all the prerequisites required by law pertaining to the levying and assessing of taxes on the property on which the suit is brought for the taxes due have been complied with. In addition to the tax rolls, and the certified statements made from said rolls, being prima facie evidence as above stipulated, for the years 1890, 1891, 1892, 1893 and 1894, the deeds executed for sales made by him during said years of property for taxes, in accordance with the provisions of the Charter of the city in force during the last named years, shall also be prima facie evidence that the tax on the property is due and unpaid, that the facts stated in said deed are true, and that all the requirements of the law have been complied with. (Id., Art. 1113.)

Sec. 1411. Purchaser at Tax Sale to Have Lien—If the purchaser at any sale under proceedings had to foreclose a tax lien on the property sold in the City of Houston for non-payment of taxes, shall fail to acquire a valid title to the property so purchased by him, by reason of any irregularity or defect in the assessment or levy, or for any other reason whatsoever, whether of a jurisdictional character or otherwise, such purchaser shall nevertheless have a lien on the property so purchased for the taxes which would have been due on same had all proceedings in reference thereto been legal and regular, together with all costs connected therewith; also for taxes by him subsequently paid on said property, with interest on all of such sums at the rate of 6 per cent. (6%) per annum, and he shall be entitled to judgment for such amounts, and for the enforcement of the lien against the owner of said property in the same action wherein the said sale is declared void, together with his costs incurred in such action. In no case shall the City Council, or any member of the City Council, or officer of the city, remit, discount or compromise any tax legally due the city. The city shall have equal right to become the purchaser at all sales of property, under judgment or otherwise, for taxes due it. All taxes shall be due and payable on the 1st day of July of each and every year, and if not paid by the 1st day of January thereafter, the same shall bear interest from the said 1st day of January until paid at the rate of 6 per cent. (6%) per annum. It shall be the duty of all persons from whom such taxes are due to call and pay the same to the City Assessor and Collector of Taxes, at his office in the City of Houston between the said 1st day of July and the 1st day of January next thereafter. (Id., Art. 1118.)

Sec. 1412. Property Exempt from Taxation—That the following property shall be exempt from taxation, to-wit: All lands used exclusively for graveyards, or grounds for burying the dead, except such as are held by any person, company or corporation with a view to profit or for the purpose of speculation in the sale thereof; all buildings belonging to institutions of purely public charity, together with the lands belonging to and occupied by such institutions, not leased or otherwise used with a view to profit, and all moneys and credits appropriated solely to sustaining such institutions, together with such other property as is exempt from taxation by the laws of the State of Texas. (Id., Art. 1120.)

Sec. 1413. Houston Light Guard Armory Partially Exempt from Taxation—That the portion of the brick building situated on lots 4 and 5, in block 69, known as the Light Guard Armory, which does not bring in any revenue to the Houston Light Guard, that is, that portion of the building not rented by said Houston Light Guard Company, and not bringing in any rents, shall be and is hereby exempted from the payment to the City of Houston of city taxes, beginning with the year 1894. This exemption shall only hold good as long as the above building is owned by the Houston Light Guard. (Id., Art. 1121.)

Sec. 1414. Tax Judgments May Be Transferred—That upon the payment of all tax, interest and costs due to the city in any judgment recovered by the City of Houston against delinquent taxpayers for city taxes, to the City Assessor and Collector of Taxes, and payment of court costs, the Mayor and City Secretary are hereby authorized to transfer and assign any judgment due to the City of Houston by any delinquent taxpayer to said city, provided such transfer shall not be made except by consent of such delinquent taxpayer. (Id., Art. 1132.)

Sec. 1415. Mayor to Hold Receipt—As evidence of the fact that the tax, interest and costs due the city have been paid, the Assessor and Collector of Taxes shall furnish a duplicate receipt of the amount so paid to the person so paying, who shall deposit the same with the Mayor and City Secretary. In addition to this he shall procure from the City Delinquent Tax Attorney a statement that the amount paid covers the amount of the judgment due the city, which is to be assigned and transferred, which shall also be deposited with the Mayor and City Secretary. (Amendment Art. 1133, Feb. 9, 1914, Ord. Bk. 4, p. 114, Sec. 1.)

Sec. 1416. Must Pay Court Costs Before Judgment Is Transferred—As an evidence that all court costs have been paid he must display a receipted cost bill for the court costs in the case in which the judgment to be transferred was obtained, receipted by a properly authorized officer to receive said court costs. (Code 1904, Art. 1134.)

Sec. 1417. Person Desiring to Buy Property at Tax Sales—Any person who desires to buy any property which has been sold to the city for city taxes at an execution sale, shall first pay to the City Assessor and Collector of Taxes the entire amount of taxes, interest and costs of advertising and making tax statements or deeds, if any, that may be due on such property. (Id., Art. 1135.)

Sec. 1418. City Assessor and Collector to Make Receipts in Duplicate—The Assessor and Collector of Taxes shall, upon said payment, make a duplicate receipt of the one given to the purchaser, which shall afterwards be filed in the office of the Controller; that upon payment of the taxes, interest and costs as above, the person purchasing property from the city shall first present duplicate receipt to the City Delinquent Tax Attorney, who shall take charge of the same and prepare a deed for such property, making as consideration of such deed the amount stated in said duplicate receipt of the Assessor and Collector of Taxes, and, in addition thereto, all court costs which may be due on same, which said amount of court costs must be paid to the Assessor and Collector by the party purchasing before the deed shall be made. (Amendment Art. 1136, Feb. 9, 1914, Ord. Bk. 4, p. 114, Sec. 1.)

Sec. 1419. Purchaser to Receive Deed—After the party has presented the duplicate receipt of the City Assessor and Collector of Taxes, as above, and paid all court costs, the City Delinquent Tax Attorney shall prepare a quit claim deed to said property, in accordance with the terms of an ordinance passed by the City Council of the City of Houston on April 26, 1898, and present said deed so prepared, together with the duplicate receipt of the City Assessor and Collector of Taxes, and the amount of money received for costs, to the City Secretary of the City of Houston, who shall retain possession of same. It shall thereupon be the duty of the City Secretary and Mayor to execute said deed in accordance with authority granted them in the ordinance of April 26, 1898. (Code 1904, Art. 1137.)

Sec. 1420. Controller to Furnish Statement of Costs—That the City Delinquent Tax Attorney may be enabled to arrive at the amount of costs paid by the city, it shall be the duty of the Controller to at once furnish him with a statement of all costs paid by the city in each and every case which has been filed by the city for the collection of taxes. (Amendment Art. 1138, Feb. 9, 1914, Ord. Bk. 4, p. 114, Sec. 1.)

Sec. 1421. Mayor and Finance Committee Authorized to Sell Property Purchased at Tax Sales—The Mayor and Finance Committee are hereby authorized and empowered to sell any and all property owned by the city under sales for city taxes, either to the highest bidder at public sale or to any person at private sale, upon terms that are deemed to be just and equitable by the said Mayor and Finance Committee, and that upon determination by the Mayor and Finance Committee of the terms for which the property shall be sold, or upon bid at public auction by the highest bidder, the Mayor and City Secretary shall be and are hereby authorized, upon the payment to the City Treasurer or City Assessor and Collector of Taxes, of said bid, or upon payment to the City Treasurer or City Assessor and Collector of the sum arrived at and deemed just and equitable by the Mayor and Finance Committee, to execute to any such person or persons deeds for the property so purchased. (Code 1904, Art. 1139.)

Sec. 1422. No Deed Executed by City Unless Papers Are Submitted to City Delinquent Tax Attorney—The Mayor and City Secretary are in no event to execute any deed until they are first presented by the City Delinquent Tax Attorney with a duplicate receipt of the Assessor and Collector of Taxes above described, and the amount of all court costs paid. (Amendment Art. 1140, Feb. 9, 1914, Ord. Bk. 4, p. 114, Sec. 1.)

CHAPTER LXIII.

Treasurer.

Sec. 1423. Creation of Office—There is hereby created the office of Treasurer of the City of Houston, who shall be appointed by the Mayor and confirmed by the City Council, and who shall hold the office without fixed term, but subject to removal at any time by the Mayor or by the City Council. (Aug. 9, 1905, Ord. Bk. 2, p. 232, Sec. 1.)

Sec. 1424. Duties—It shall be the duty of the City Treasurer of the City of Houston to be the custodian of all moneys and funds held by and belonging to the City of Houston, except the moneys which, by general law of the State, are payable to the Board of Liquidation of the City of Houston. It shall also be the duty of the Treasurer of the City of Houston to be the custodian of all moneys coming to the Independent School District of the City of Houston as the scholastic apportionment from the State of Texas. The Treasurer shall make a monthly report to the City Council, showing in detail all moneys received by him, and all moneys paid out by him for the account of the City of Houston. (Id., Sec. 2.)

Sec. 1425. Additional Duties—The Treasurer of the City of Houston shall safely keep and preserve all money and funds of every kind and description, and shall not pay out the same, except upon warrants signed by the Mayor and City Controller. It shall also be the duty of the Treasurer of the City of Houston to keep such records and books as are now in use, and are required and prescribed by the system of accounting adopted by ordinances of the City of Houston. (Amendment Sept. 18, 1905, Ord. Bk. 2, p. 239, Sec. 1.)

Sec. 1426. Bonds to Be Given—The Treasurer of the City of Houston shall execute and deliver to the Mayor two bonds for the sum of Twenty Thousand Dollars (\$20,000.00) each, with two or more good and sufficient sureties for each of said bonds, or said bonds may be executed by some surety company having a permit to do business in the State of Texas, and a local agent in Harris County, and which has complied with all of the requirements of the laws of said State, which said surety on each of said bonds shall be satisfactory to the Mayor. One of said bonds shall be executed in the sum of

Twenty Thousand Dollars (\$20,000), conditioned that the Treasurer of the City of Houston shall safely keep and preserve, and pay out only as legally authorized to do so, funds and moneys of the City of Houston of every kind coming into his custody generally, and that he will faithfully perform and discharge all of the duties required of him by law as such Treasurer aforesaid, and shall account for and pay over to the City of Houston all money and property entrusted to him. The other of said bonds, in the sum of Twenty Thousand Dollars (\$20,000.00), shall be conditioned that he shall faithfully keep and well and truly account for all moneys which shall be placed with him belonging to the Public School Fund of the City of Houston, and shall only disburse the same as provided for by the laws of the State of Texas, the Charter and ordinances of the City of Houston, and as may be directed by the City Council of said City of Houston. (Aug. 9, 1905, Ord. Bk. 2, p. 232, Sec. 4.)

Sec. 1427. Salary—The Treasurer of the City of Houston shall receive compensation for all services rendered by him, or which may be required of him by law as Treasurer of the City of Houston, the sum of Six Hundred Dollars (\$600.00) per annum, payable in equal monthly installments. (Id., Sec. 5.)

CHAPTER XLIV.**Water Department.****Article 1.—Creation, Etc.****2.—Regulations, Etc.****3.—Construction of Laterals by Individuals.****ARTICLE 1.****CREATION, ETC.**

Sec. 1428. Creation, Etc.—That there is created a Water Department, the officers and employees of which are charged with the performance and discharge of such duties as may be imposed upon them by this chapter or by existing ordinances, or those hereafter passed, or by the Mayor or by the City Council, and it shall generally have charge of all matters pertaining to or affecting in any manner the water system of the City of Houston. (Mar. 23, 1914, Ord. Bk. 4, p. —, Sec. 1.)

Sec. 1429. Composition of; Water Commissioner; Power and Duties—That the Water Department shall consist of a Water Commissioner, a Cashier and other such officers and employees as may be allowed by the Mayor and City Council. That the chairman of the Water Committee shall be the Water Commissioner until the next general election, when the Water Commissioner shall be elected as provided by the Charter. That the Water Commissioner, under the supervision of the Mayor, shall be the executive head of the Water Department, and as such executive head he shall have charge and supervision of the Water Department including all mains, buildings, apparatus and other property belonging or appertaining thereto; that he shall have charge of laying and connecting all water mains, laterals, pipes and connections and the repair thereof, and shall have charge of the location of excavations to be made in paved streets or alleys or other places for the purpose of laying, repairing, tapping, inspecting or doing other work on any such mains, laterals, pipes and connections; that he shall also be charged with the enforcement of all the ordinances, rules and regulations covering, affecting or pertaining to the Water Department, and the plant, fixtures and property thereof, and the water furnished thereby, and by and with the advice of the City Attorney, to institute such prosecutions as may be necessary to secure the enforcement

of same. That said Water Commissioner shall furnish to the Cashier a list of all bills and accounts made out and rendered against persons, firms or corporations owing the Water Department for water, services rendered, meters rented, making connections or other things done, furnished, rendered or supplied by it, and shall furnish the Controller the amount of such bills as reflected by the ledgers of the Water Department, and it shall be the duty of the Controller to charge to the account of the Cashier the total amount of such bills and accounts so made out and rendered as reflected by the ledgers of the Water Department, the amount of which charge shall be a valid claim against said Cashier and the sureties on his official bond until same is collected, remitted and deposited with the City Treasurer, or same has been otherwise properly accounted for and disposed of. (Id., Sec. 2.)

Sec. 1430. Cashier; Duties; Official Bond; Liability of Cashier and Sureties—That the Cashier shall be the receiver and collector of all moneys due and owing to or charged by the City of Houston for water, or services rendered, or meter rent, or for any other thing sold, furnished, done or supplied by the Water Department or the officers and employees thereof, and he shall make daily remittances and payments thereof to the Treasurer of the City of Houston to the account of said City of Houston, Water Department, taking duplicate receipts therefor, one of which he shall deliver to the Controller. That he shall at the end of each day make a report to the Controller showing all such moneys so collected and received by him and the officers and employees of the Water Department. That he and the sureties on his official bond shall be responsible for all moneys from whatever source collected by said Water Department or the officers or employees thereof; that before entering upon the discharge and performance of the duties of his office, he shall execute and deliver to the City of Houston, and thereafter whenever required so to do by the Mayor, a bond in the sum of Ten Thousand Dollars (\$10,000.00) payable to the City of Houston, with at least three (3) good and sufficient sureties or a surety company authorized to do business in Texas, to be approved by the Mayor, conditioned for the faithful performance and discharge of all the duties of his office as now or hereafter fixed by the ordinances, or by the Water Commissioner, or by the Mayor, or by the City Council, and that he will collect and receive and safely keep all moneys coming into his hands or the hands of any officer or employee of the Water Department for water

furnished, or services rendered, or meter rent, or any other thing sold, done, furnished or supplied by the Water Department, and make daily remittances of such moneys so collected and received to the Treasurer of said City of Houston; that such bond shall provide that the conditions are to be performed in Houston, Harris County, Texas, and that in case of a recovery thereon that the obligors will pay the expense incurred by or imposed upon the City of Houston in or about the collection thereof, including a reasonable attorney's fee, and that said bond shall not become void until the whole amount thereof has been exhausted. (Id., Sec. 3.)

Sec. 1431. Other Officers and Employees; Appointment, Etc.; Bonds; Oath of Office—That there shall be such other officers and employees of the Water Department as may be allowed by the Mayor and City Council who shall receive such salaries as may be fixed by the City Council. That all officers of the Water Department except the Water Commissioner shall be appointed by the Mayor, and before entering upon the discharge of the duties of their respective offices shall take the constitutional oath of office; that the Mayor and Cashier may require any employee of the department handling, receiving or collecting moneys belonging to the City of Houston, to execute and deliver to the City of Houston a bond in such sum as they may deem proper and sufficient, payable to the City of Houston, with at least three (3) good and sufficient sureties or a surety company authorized to do business in Texas, to be approved by the Mayor and to contain such conditions and provisions as they may deem proper and right, and a further condition giving the Cashier the right to sue and recover thereon in the event that he be required to pay any money to the City of Houston for which he was accountable as Cashier, by reason of the act of such officer or employee and containing the provision with reference to expenses as contained in his bond as Cashier. (Id., Sec. 4.)

Sec. 1432. Water Commissioner; Authority; Duties—That the Water Commissioner shall have charge of and control over the officers and employees of the Water Department and may, by and with the approval of the Mayor and the Civil Service Commission, prescribe and establish from time to time such rules and regulations as he may deem advisable for the organization, government and control of the officers and employees of the Water Department and, with the approval of the Mayor, he may suspend any such officer or employee for insubordination or inattention to or neglect of

duty or violation of the ordinances or the rules and regulations of the department, until such officer or employee has been permanently removed, discharged or reinstated, and during the time of such suspension, unless such officer or employee be reinstated without prejudice, he shall not be entitled to the pro rata portion of his salary. That said Water Commissioner shall by and with the approval of the Controller and the Mayor and City Council, cause to be kept such books of accounts and records as fully show and disclose all the water furnished, services rendered, meters rented, and other things sold, furnished, done and supplied by the Water Department, and the amounts due therefor and the delivery of bills and accounts therefor to the Cashier of the department, and shall make such monthly reports as are or may be required by the ordinances. (Id., Sec. 5.)

Sec. 1433. Salaries—That the monthly salary of the Cashier and other officers and employees of the Water Department shall be such as may be fixed and allowed by the Mayor and City Council. (Id., Sec. 5.)

ARTICLE 2.

REGULATION, ETC.

Sec. 1434. Unlawful to Deface, Etc., Property Water Works System—It shall be unlawful for any person to wilfully injure, deface or destroy any reservoir, machinery, pipe, hydrant or other fixture belonging to the water works system of the City of Houston. (Oct. 30, 1906; Ord. Bk. 2, p. 335, Sec. 2.)

Sec. 1435. Not to Interfere with Fire Hydrants—Every hydrant placed by the Water Department for the purpose of extinguishing fires is hereby declared to be a public hydrant, and no person other than members of the Fire Department, the Health Department, and those authorized by the Water Commissioner, shall open any of said hydrants, or draw or attempt to draw water from the same, or in any manner interfere with said hydrants. (Id., Sec. 3.)

Sec. 1436. Unlawful to Turn on Water Without Permit—It shall be unlawful for any person to turn on the water to any premises from which the supply has been turned off by authority of the City of Houston, without first having obtained a permit to do so from the Water Commissioner of the City of Houston. (Id., Sec. 4.)

Sec. 1437. Not to Obstruct Access to Hydrant—No person shall in any manner obstruct the access to any hydrant connected with any water pipe in any street, alley or common in the City of Houston, by means of any lumber, brick, building material or other article, or by any hindrance whatsoever. (Id., Sec. 5.)

Sec. 1438. Not to Take Water From Any Public or Private Hydrant, Etc.—No person shall take water from any public or private hydrant, plug, street washer, draw-cock, hose-pipe, fountain, cistern, street reservoir or fountain basin, which shall have been filled in whole or in part from the City Water Department, except by order of the Chief of the Fire Department for the use of the Fire Department, nor shall in any way use or take any water for private use which is furnished by the City Water Department, unless such person shall first pay for the same, and receive the usual permit from the Water Department so to do. (Id., Sec. 6.)

Sec. 1439. Not to Put Animal Matter, Etc., in City Reservoir—No person shall put filthy, animal matter, chips, shavings, or any substance into any City reservoir, or bathe therein, or do any injury thereto, or walk or ride on the turf thereof. (Id., Sec. 7.)

Sec. 1440. Not to Take Water From Public Cistern, Etc.—No person, unless authorized by the Water Department, shall, except in time of fire, take water from any public cistern or fire plug, or place or remove the cover from any such public cistern or fire plug, or place or deposit any dirt or material in any such fire plug, or in the box or appendage connected therewith, or turn any public or private stop-cock, or remove the cover from any private stop-cock, or permit any act tending to obstruct the use thereof, or injure in any manner any building, machinery, pipe, apparatus or fixture of the City Water Works. (Id., Sec. 8.)

Sec. 1441. Not to Make Connections, Etc.—No person other than the properly authorized agents of the Water Department shall be permitted to tap or make connection with the main or distributing pipes of the water works. (Id., Sec. 10.)

Sec. 1442. Not to Make Attachments, Repairs, Etc.—No person shall make any attachments or connection to the pipes belonging to the water works or the pipes belonging to water consumers, nor make any repairs or additions to or

alterations in any tap, pipe, cock or other fixture connected with the service pipes, unless he shall have a written permit from the Water Commissioner. (Id., Sec. 11.)

Sec. 1443. Service Pipe Not to Be Entered, Etc.—No service pipe shall be entered by any plumber or other person in any premises where a ferrule or corporation cock has been previously inserted, or water conveyed for the purpose of giving additional supply, except in conformity with and subject to these rules and regulations; nor shall any two ferrules or corporation cocks be inserted into any of the distributing mains within the distance of eighteen inches of each other; nor shall any change of connection be made to any premises where water has been previously used, until the connection previously used shall have been drawn and the said opening in the pipe securely stopped with a brass plug, at the expense of the party asking the change, or when a corporation cock is used the same shall be turned off. (Id., Sec. 12.)

Sec. 1444. Report of Connection to Be Made, Etc.—Within forty-eight hours after completing any attachment or connection, or making any repairs, additions or alterations, the plumber shall make a true return, in writing, on the permit, of all the work done by him under such permit, and file the same in the office of the Waterworks. (Id., Sec. 13.)

Sec. 1445. Owner to Keep in Repair, Etc.—The service pipe from the main, including the connection, lead pipe to curb, stop-cock, and box, is the property of the owner of the premises, all of which, and all pipe fixtures connected therewith, must be kept in good repair and protected from the frost, and the occupant of the premises must prevent all unnecessary waste of water. (Id., Sec. 14.)

Sec. 1446. Water Not to Run, Etc.—No water shall be permitted to be running when not in actual use. (Id., Sec. 15.)

Sec. 1447. Yard Fountains to Be Used, How—Yard fountains shall not be used longer than three hours per day, unless specially permitted, and on additional payment, and the right is reserved to suspend their use whenever the public exigency may require it. (Id., Sec. 16.)

Sec. 1448. Hours for Sprinkling—No person shall sprinkle any lot, street or sidewalk between the hours of 8 o'clock a. m. and 5 o'clock p. m., nor more than three (3) hours in any day. (Id., Sec. 17.)

Sec. 1449. Feed Pumps to Take Water, How—Feed pumps for supplying water to steam boilers will not be permitted to take water directly from the service pipes, but must be drawn from an open receptacle into which the water has been previously discharged. (Id., Sec. 18.)

Sec. 1450. Construction for Supplying Boilers—In all cases where boilers are supplied, the plumbing shall be done in such manner as will prevent the hot water from backing into the meter. The owner of the premises will be held responsible for all damages to meters resulting from hot water backing up into them. (Id., Sec. 19.)

Sec. 1451. Water to Be Applied as Stated in Application—No person shall apply water to any use different from that named in the written application, nor shall any consumer supply water to other persons, or to other families, or suffer them to take water, except for use on the premises for the purposes specified in the application; nor shall any person, after water is introduced into any building, or upon any premises, make or employ any plumber or other persons to make any tap or connection with the works upon his premises, for altering, repairing, extensions or attachments, without a written permit from the Water Department, specifying the particular change to be made. (Dec. 16, 1907; Ord. Bk. 2, p. 451, Sec. 5.)

Sec. 1452. Not to Make Connections With Private Supply Pipes—No person shall in any case make connection with the supply pipes of another consumer of water unless, first, connection is made with the consent of the owner of the supply pipe; and unless, second, such connection is made on the sidewalk or in the street, and not on the premises of the owner of the supply pipe; nor shall such connection be made in any case except on written application to the Water Department, signed by the person desiring to make same, and on the permit from the Water Department. (Id., Sec. 6.)

Sec. 1453. Penalty—Any person violating any of the foregoing provisions of this chapter shall, on conviction thereof, be fined in any sum not less than One Dollar nor more than Two Hundred Dollars, and shall also be liable for any damages to persons or property caused by reason of such violation. (Oct. 30, 1906; Ord. Bk. 2, p. 335, Sec. 20; and Dec. 16, 1907, Ord. Bk. p. 451, Sec. 7.)

Sec. 1454. Rules, Regulations, Etc., for Protection, Etc.—

The following by-laws, rules and regulations for the management and protection of the waterworks are hereby approved by the City Council, and the same shall have the force and effect of ordinances of the city:

Rule 1. All connections shall be provided with a stop-cock, placed in a cast-iron box, leading from the same to the surface of the sidewalk; the cover of which box shall have the word "Water" thereon, and the same shall be placed in the sidewalk, within one foot of the line of the curbstone, so that the word "Water" can be read from the sidewalk.

Rule 2. In all cases where two or more distinct premises or tenements are supplied with water from one connection, the person controlling the main stop-cock must pay the water rents for all premises thus supplied, as separate water bills will not be made unless separate and distinct stop-cocks shall be placed on the outside of each of such premises at such places as the Water Commissioner may direct.

Rule 3. Every service pipe must be provided with a stop and waste-cock or valve at the entrance of the pipe into any cellar or building, or before any branch is taken off such pipe, and a nipple of two feet length, with a union attached, inside the stop and waste-cock; also with a stop and waste-cock or valve for each separate tenement or place supplied with water on all risers, all to be easily accessible and so situated that the water can be conveniently shut off and drained from the pipes. Every pipe supplying a bath room or water closet shall not be less than one-half ($\frac{1}{2}$) inch.

Rule 4. All stop-cocks and other fixtures used by plumbers shall be subject to the inspection and approval of the Water Department.

Rule 5. Water will not be furnished where the only fixture for obtaining it is from the street washer or hydrant placed in the sidewalk; nor will water be furnished for the partial supply of any premises unless it be through a meter, set at the expense of the owner of such premises. No hydrant or street washer shall be placed in any yard, or common area in any premises, so situated as to be accessible to persons living in or occupying adjoining premises, unless the person controlling said hydrant or street washer becomes responsible for and pays the water rent for all persons so accessible who shall neglect or refuse to pay for water. No branch shall hereafter be

taken off of a service pipe until after it enters the cellar or building (that is, either a basement or some room of a building).

Rule 6. In all cases where there are two or more distinct houses or tenements on a lot without dividing fences, or where there are gates in the fences, the water will not be turned on to one tenement unless such gates are permanently fastened, or division fences are put up, or the water rent paid for each tenement.

Rule 7. No water taker will be allowed to supply water to others except by special permit from the Water Commissioner; if found doing so without a permit, the supply will be stopped and the water rent already paid forfeited.

Rule 8. Minors with stop-cocks to be turned on by hand, unless self-closing, are not permitted.

Water closets must be fitted to be operated by the regular water closet valves of the different makes; the valves known as the Hopper valve, with continual flow while in use, will not be allowed; the use of ordinary draw-cocks in connection with water closets will also not be permitted.

Hydrants set over slop sinks must be self-closing.

Water troughs must be provided with a float valve to prevent overflowing and the owners of troughs must keep the same in good working order.

Rule 9. The Water Commissioner and other employees in the Waterworks shall have free access at all reasonable hours of the day to all parts of any premises to which water is supplied.

Rule 10. Service pipes intended for fire protection, or for supplying power for elevators or other hydraulic motors, must not be tapped or used for the general supply of the premises; such supply must be taken through a separate service pipe.

Rule 11. In case of fire, the Fire Department shall have the right to use any hydrant, cistern, hose, pipe or other fixture supplied wholly or in part from any service pipe used for fire protection.

Rule 12. No service pipe for fire protection will be allowed in premises that do not also have a pipe for the general use of same.

Rule 13. No service connection for fire protection or hydraulic motors shall be made larger than six (6) inches.

Rule 14. All service pipes for supplying hydraulic elevators or other large motors must have suitable air chambers attached thereto, for the purpose of preventing water-ram in the pipes. And the owner or users of such elevators or motors must keep the same in good repair, so as to prevent all leakage or waste of water. They shall also, at their own expense, have placed in all service pipes intended for fire protection, or for supplying hydraulic elevators or other hydraulic motors, water meters, that shall record accurately the quantity of water used, and such meters shall be approved by the Water Commissioner.

Rule 15. Any person desiring to pay by meter measure in preference to assessed rates, can, upon application to the Water Commissioner, have meters set on the service pipes supplying his premises at his own expense.

Rule 16. All meters, whether private or belonging to the Waterworks, shall be set by employees of the Department. If the meter gets out of order and fails to register, the consumer will be charged at the average daily consumption, as shown by the meter when in order. All water that passes through the meter shall be charged for, whether used or not.

Rule 17. In all cases where private meters are to be applied, whether upon the order of the Water Commissioner, or upon application of a consumer or owner of premises, the total charges, comprising the setting of the meter, and a suitable meter vault or box, must be paid in advance at the office of the Water Department.

Rule 18. Owners shall protect all private meters from frost or injury of any kind, but such meters shall not, under any circumstances, be removed, for repairs or otherwise, by any person except an employee of the Waterworks, working under the direction of the Commissioner. The Commissioner is authorized to withhold the supply of water until the conditions of these rules are complied with. The owner of the premises will be held responsible for all damages to meters from frost when meters are set in basements.

Rule 19. The city will repair all private meters whenever deemed necessary at the expense of the owner.

Rule 20. The Water Commissioner shall, whenever in his opinion it is deemed necessary, test any private meter; and

any meter found to vary five or more per cent from the correct amount shall be removed or repaired at the expense of the owner. All meters shall be tested before being set, and they shall be set as near the curb line as possible.

Rule 21. Whenever a meter is set, whether in the sidewalk or area vault, or in any part of the basement of any building, the space occupied by the meter and the box for the same must at all times be kept free from rubbish or obstructions of any kind.

A deduction may be made for water used through fire service pipes to which a meter is applied for the purpose of putting out or preventing the spreading of fire; provided, however, that such use of water be immediately reported to the Water Commissioner in writing, otherwise the same shall be paid for according to the regular meter rates.

Rule 22. Permission to use water for building purposes will be issued only upon a certificate of the architect of the work to be done, specifying the number of bricks, perches of stone, cubic yards of concrete, square yards of plastering, and amount of work of any other character for which water will be required. All water used for building purposes shall be paid for in advance at assessed rates, unless a meter is set by the city at the expense of the owner or contractor, at the option of the Water Commissioner.

Rule 23. The charges for all water used for building purposes in the City of Houston shall be paid to the Water Department in advance, and the Inspector of Buildings shall, before granting any permit to erect, repair, change or alter any building, first require the owner or applicant for such permit to exhibit a receipt from the Water Department, showing that said applicant has fully complied with Rule 22, and upon the refusal of said owner or applicant to produce said receipt, the said Inspector shall refuse to grant such permit.

Rule 24. The Mayor or Water Commissioner shall have the right to apply a meter to any service pipe, in case he or they may deem it advisable.

Rule 25. All charges for water will be made against the premises supplied, and may be paid either by the owner or by the tenants; owners, however, shall be so far responsible for tenants that new tenants shall not be entitled to a supply until all arrearages on the premises are paid.

Rule 26. If any person shall refuse or neglect to pay the water rent when due, or shall refuse or neglect to pay for connections made and for repairs made on service pipes or private meters, or permit any waste or use of water contrary to these rules and regulations, or in violation of any ordinance of the city, the water shall be immediately turned off, and not turned on again until all back rent and other charges and damages shall be paid. In case the water has been turned off on account of waste or unauthorized use of same, the Water Commissioner shall charge and collect the further sum of One Dollar for turning it off and One Dollar for turning it on. He may also, at his option, require such person to have a private meter set in the service pipe supplying such premises.

Rule 27. In cases where the water has been turned off for non-payment of water rent, or for any other cause, and it is found turned on again, or when, in the opinion of the Water Commissioner, the turning off of the water at the stop-cock is not a sufficient protection against the use or waste of the water, the Water Commissioner may cause the ferrule to be drawn or the corporation cock to be turned off and discontinued. Upon a re-application for water, where the service pipe has been so discontinued, an additional charge of Five Dollars for re-inserting or re-connecting will be made.

Rule 28. In all cases where any servant, apprentice or minor shall be guilty of any violation of the preceding rules and regulations, the master, mistress, employer, parent or guardian of such person shall be held responsible for such violation.

Rule 29. The consequence of a violation of any of the preceding rules will be the stoppage of the supply of water without any preliminary notice, and the water will not be restored except upon the payment of all damages, and upon a satisfactory understanding that no future cause of complaint shall arise. (Oct. 30, 1906; Ord. Bk. 2, p. 335, Sec. 21.)

Sec. 1455. Water Rents Due and Payable First of Month in Advance—All water rents will be due and payable on the first day of each month, in advance, at the office of the Water Department of the City of Houston, in the City Hall; if not paid within ten (10) days after they fall due, the city reserves the right to disconnect from the main pipe without further notice, and not connect back again until all back dues are paid; and if not paid by the 20th day of the succeeding month, the officers and employees of the city must and shall disconnect the consumer from the main pipe. And this duty is charged

upon the person in charge of the service connections of the Water Department; and if through failure to perform said duty the said water rent shall remain unpaid for twenty (20) days after the said date fixed by this section for the performance of said duty, said employee shall be personally liable to the city therefor, and be subject to dismissal from the city's service. (Amendment April 5, 1909; Ord. Bk. 2, p. 507, Sec. 1.)

Sec. 1456. Cash Payments on or Before Tenth of Month, Allowed Discount of 5 Per Cent—All water bills paid cash in full, either in advance or on or before the 10th day of the month succeeding the month in which the water was furnished, shall be allowed a discount of five per cent on account of such cash payment, and in no other case shall the officers or employees of the city discount or scale any bill for water and the violation of this provision shall render the person violating same personally responsible to the city for the amount scaled, and subject such person to dismissal from the city's service. (Amendment Dec. 27, 1910; Ord. Bk. 3, p. 20, Sec. 1.)

Sec. 1457. Consumers Not Entitled to Specific Quantity or Pressure; Use of Water Through Fire Plugs; Penalty—Water consumers are not guaranteed a specific quantity or pressure of water for any purpose whatever, and water shall not be supplied in any case to any other purpose than that named in the permit; and no officer, agent or employee of the city shall have authority at any time to connect or agree for, or on behalf of the city to furnish or guarantee a specific quantity of water, or to furnish or guarantee any particular pressure of water; but it is understood in every case that the person making connection with the waterworks system does so with the understanding that the city is simply to furnish a connection with its water system, and is in no case to be held to any liability for failure or refusal to furnish water, or any particular amount or pressure of water, and in all cases where the city has permitted its water system to be connected with fire plugs, or other fire protection devices upon property of citizens, no charge shall be made for such fire protection service in the absence of actual use of water or waste of water; provided, that when water is used or wasted through such fire protection service, it shall be paid for at the regular meter rate; and provided, further, that the use of water through such fire protection service at any time for purposes other than fire protection by any person shall be deemed an offense, and upon conviction thereof in the Corporation Court, the person so using water in violation of this section shall be punished by a fine in

any sum not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00) for each offense, and in addition to said penalty such connection for fire protection shall be immediately cut off from said premises and the fire protection service discontinued.

The use of black wrought iron pipe is prohibited and forbidden, and the city reserves the right to refuse to furnish water through any such service pipe.

The city also reserves the right to refuse to furnish water through pipe not buried to a depth of two (2) feet between the curbs and one (1) foot in that portion of the street between the curb and the property line. (Amendment Jan. 17, 1910; Ord. Bk. 3, p. 549, Sec. 1.)

Sec. 1458. Written Application to Be Made for Water, Etc.—Written application for the introduction of water in any premises shall be made in all cases, and shall be made in the handwriting of the applicant, specifying the streets and the number, and such application must state fully and truly all purposes for which the water is desired, and no different or additional use will be allowed, except upon application to and by the consent of the city. Such written application shall further have incorporated therein the substance of Section 1457. (Dec. 16, 1907; Ord. Bk. 3, p. 451, Sec. 3.)

Sec. 1459. Water, to Be Furnished Owner Building, Etc., Only—Water will not be furnished in any case to any person other than the owner of the building or premises on which the water is furnished, and such owner or owners shall be liable for all water furnished to said premises, whether there be one or many tenants thereon, and the city will not in any case furnish water to tenants on their own responsibility, or look to the tenant for payment for water furnished to the particular premises; and unless the owner of the property or premises pays the water rent for all water furnished on the premises in accordance with the ordinances of the City of Houston, such water will be cut off. (Id., Sec. 4.)

Sec. 1460. Consumer May Obtain Test of Water Meter; Method—That in case any consumer of water may question the correctness of a water meter of the City of Houston, he can obtain a test of said meter in the manner following:

He shall deposit with the Commissioner or other person in charge of the Water Department the sum of Two Dollars (\$2.00), together with a written application, signed by the per-

son questioning the correctness of the meter, in terms as follows:

I, _____, request that a test be made of the water meter at No. _____, on _____ Street. And I deposit herewith the sum of Two Dollars (\$2.00). If the test of said meter shows it registers more than 100 per cent of the water delivered, the said sum of Two Dollars (\$2.00) is to be returned to me; if the test of said meter shows a register of 100 per cent or less of the water delivered, the said sum of Two Dollars (\$2.00) is to be retained by the city as compensation for the expense and trouble of making the test; and I agree to abide by the result of said test, and agree that if the said test shows that my bill is correct, that I will pay same without further question or delay; and that if said test shows that the meter has erred in my favor, that I will pay the bill as increased according to the meter test without delay; and that if said test shows that said meter has erred against me, I agree to pay the bill as corrected in my favor without delay.

Consumer.

(April 5, 1909; Ord. Bk. 2, p. 508, Sec. 1.)

Sec. 1461. Test—On the filing of said written petition, signed in person by the party questioning the meter, and the deposit of the said sum of Two Dollars (\$2.00) with the Water Commissioner or other person in charge of the Water Department, the meter objected to shall be removed in the presence of the party objecting to same, or his agent appointed by him, and taken to the Meter Department at the Pumping Station of the Houston Waterworks System, and there be accurately and thoroughly tested by the Standard Water Meter Tester, manufactured by the H. Mueller Mfg. Company of New York City. And in said test the correctness of the meter shall be determined by comparing the reading of the meter with the weight of the water, and also by comparing the reading of the meter with the volume of the water, as shown by the contents of the Testing Tank. The party complaining of the meter must be present at said test, and at the removal of the meter, either in person or by his agent, or the test will not be made. And the party questioning the meter has the right to appoint any competent expert to be personally present at the testing of the meter and to participate in same. (Id., Sec. 1.)

Sec. 1462. After Test—Should the test of the meter complained of so made show that said meter registers more than

100 per cent of the water delivered, the bill of the party complaining of the meter since his last payment shall be corrected according to the result of the test, and the meter shall be replaced by a correct meter, accurately tested before it is placed in service. On the contrary, should the test show that the meter registers less than 100 per cent of the water delivered, the bill of the party complaining since his last payment shall be increased in accordance with the test, and the party applying for the test shall pay said bill as increased, and in such event the city shall replace said defective meter with a good one, which has been accurately tested before being placed in service. If the result of the test shows that the meter has registered more than 100 per cent of the water delivered, the Two Dollars (\$2.00) deposit shall be returned to the consumer complaining. But if the result of the test shows that the meter has registered 100 per cent or less of the water actually delivered, in such event the Two Dollars (\$2.00) deposit shall be retained by the City of Houston as compensation for the expense and trouble of making the test. (Id., Sec. 1.)

Sec. 1463. Scaling of Water Bill, Etc., Unlawful—Any scaling or reduction of a water bill as shown by a meter is unlawful and is prohibited, unless such reduction is made in accordance with and as shown by an official test of the meter, as above described. And any officer or employee of the City of Houston scaling or reducing any meter bill, except in accordance with such official test, shall be personally responsible for the reduction in the bill, and shall be dismissed from the city's service therefor.

A correction of a meter bill as the result of testing the meter, whether the bill be increased or diminished, shall never extend to any period before the last payment of the bill. (Id., Sec. 3.)

Sec. 1464. Charges for Water, Where no Meter—The charges for water service by the Water Department of the City of Houston to consumers not having a meter shall be as follows:

Houses of one, two and three rooms, having a closet, sink and rise, or less, 50 cents per month.

Houses of four or five rooms, having bath, closet, sink and rise, and one head of stock, or less, 75 cents per month.

Houses of six or seven rooms, with bath, closet, sink and rise, and one head of stock, or less, \$1.00 per month.

Houses of eight or nine rooms, with bath, closet, sink, rise, basin and one head of stock, or less, \$1.50 per month.

Houses of ten or eleven rooms, having bath, closet, sink, rise, basin and one head of stock, or less, \$2.00 per month.

Houses of twelve or thirteen rooms, with bath, closet, sink, rise, basin and one head of stock, or less, \$2.50 per month.

For each additional closet or bath, 50 cents per month extra; and each additional opening, 25 cents per month extra.

Small grocery stores, \$1.50 per month.

Boarding houses, \$2.50 per month; for each additional room above thirteen, 25 cents per month extra.

By the term "house" is meant a private residence, or a house occupied by a family as a domicile exclusively.

By the term "room" is meant an apartment of a house which is used for residence, including kitchen and servant's room, whether they be under the same roof or other apartments, or separate; but shall not be construed to include halls making access to the house or connecting one portion of the building with another, or to include closets or divisions of the building used exclusively for the storing of provisions, table ware, clothing, and the usual plunder found about private residences; nor to include bath rooms. (May 25, 1908; Ord. Bk. 2, p. 549, Sec. 1.)

Sec. 1465. Charges for Water Furnished Through Meter
—Rates to be charged for water service furnished through meters shall be as follows:

For all water passing through meter up to:

One million gallons.....	15 cents per 1000 gallons
One to five million gallons.....	14 cents per 1000 gallons
Five million to ten million gallons.....	12 cents per 1000 gallons
Ten million to fifteen million gals.....	11 cents per 1000 gallons
Fifteen million to twenty million.....	10 cents per 1000 gallons
Twenty million gallons or more.....	9 cents per 1000 gallons

Provided that the rates heretofore in effect shall apply until and up to the first reading of the meter in the month of April, A. D. 1911. (Amendment April 17, 1911; Ord. Bk. 3, p. 26, Sec. 1.)

Sec. 1466. Tapping Charges—That tapping charges shall hereafter be as follows:

For $\frac{3}{4}$ -inch connection.....	\$ 14.00
For 1 -inch connection.....	16.00
For $1\frac{1}{4}$ -inch connection.....	20.00
For $1\frac{1}{2}$ -inch connection.....	25.00
For 2 -inch connection.....	35.00
For $2\frac{1}{2}$ -inch connection.....	40.00
For 3 -inch connection.....	60.00
For 4 -inch connection.....	80.00
For 6 -inch connection.....	100.00
Brick Pavement	5.00 per connection
Asphalt Pavement	4.40 per connection
Gravel Pavement	2.00 per connection
Shell Pavement	2.00 per connection

(Id., Sec. 1.)

Sec. 1467. Charges for Rental of Meters—That from and after the first day of August, A. D. 1910, the monthly charge for meter rentals by the Water Department of the City of Houston shall be as follows:

For each meter having a $\frac{5}{8}$ -inch up to and including a $\frac{3}{4}$ -inch connection, fifty cents (50c) per month.

For each meter having a 1-inch connection, seventy-five cents (75c) per month; provided, that the monthly payments herein specified shall be applied to the cost of purchasing and setting said meters, and that when the sum of monthly payments shall equal the cost to the city of furnishing and setting the meter, they shall not be required to pay other or further monthly rentals; and provided, further, that persons whose connections have been metered prior to the first day of August, A. D. 1910, and who have been paying monthly meter rentals on connections 1 inch or less in diameter, shall be entitled to the benefits of this section, and shall, when the total monthly rentals equal the cost of procuring and placing a meter, not be required to pay other or further monthly rentals. But the meter and connections in either case shall remain the property of the City of Houston, as heretofore; and provided further, that the minimum charge per month for water furnished by meter shall be fifty cents (50c). (Amendment July 18, 1910; Ord. Bk. 2, p. 573, Sec. 1.)

Sec. 1468. Connections Larger Than One Inch Metered, Etc., at Expense Owner—That all connections larger than 1 inch shall be metered at the immediate expense of the owner of the property served, and shall be paid for in advance, both as to cost of meter and cost of setting same, in accordance with

Rule 17 of an ordinance passed by the City Council on the 29th day of October, A. D. 1906. (Id., Sec. 2.)

Sec. 1469. Meters and Meter Box to Remain Property of City; Unlawful to Interfere With; Penalty—All water meters and the meter box enclosing same shall be and remain the property of the City of Houston, and no person other than a duly authorized agent of said city shall open said box or interfere in any way with the meter therein. Any person violating this section shall be guilty of an offense, and upon conviction thereof in the Corporation Court shall be fined in any sum not less than One Dollar (\$1.00) nor more than One Hundred Dollars (\$100.00). (May 25, 1908; Ord. Bk. 3, p. 549, Sec. 5.)

ARTICLE 3.

CONSTRUCTION OF LATERALS BY INDIVIDUALS.

Sec. 1470. Persons, Etc., May at Their Own Expense, Connect With Water Mains, Etc.—That any and all persons or property owners who own or control property which is situated within such distance on either side of a main water pipe in the City of Houston, Texas, as in the opinion of the City Council of said city, or such officer as may be designated for the purpose, makes it practical to connect with such main water pipe, may at his or their own cost and expense lay and construct lateral water pipes in and along the streets and ways of said city to connect with such main water pipe, upon the following conditions: (May 6, 1907; Ord. Bk. 2, p. 389, Sec. 1.)

Sec. 1471. Shall Obtain Permit From City Council; Conditions—Such person or property owner so constructing a lateral water pipe, such as is mentioned in the preceding section, shall, before laying or constructing same, obtain a permit so to do from the City Council of said city or such officer as may be designated to grant such permit, and shall lay and construct the same at his or their own cost and expense and under the direction and supervision of the City Engineer of the City of Houston, or such other officer or person as may be designated to supervise and direct the laying and construction of same; and such lateral water pipe shall not be less than four (4) inches in diameter, and shall be cast iron of standard weight, and before being laid must be approved by the Water Department of the City of Houston; and must be laid and constructed in conformity to the regulations of the Water Department of the City of Houston, and in a manner to the entire satisfaction of said department, and all connections to said

lateral must be made by the Water Department of the City of Houston; and at the time of laying such water pipe the person laying same shall furnish to the City of Houston and file in the Water Department thereof a complete and accurate sketch of said water pipe showing accurately the route, dimensions and all details thereof. (Id., Sec. 2.)

Sec. 1472. Shall Give Bond; Conditions Thereof—Such persons or property owners so constructing and laying such lateral water pipe, as hereinbefore provided, shall, before constructing and laying same, enter into a good and sufficient bond in an amount to be determined by the Mayor of the City of Houston; such bond to be conditioned that they will restore the streets, pavements, sidewalks and passageways of the city in or along which such water pipes are laid and constructed to the same or to as good a condition as they were before the beginning of any excavation for the purpose of laying and constructing such lateral water pipe, and said bond shall be further conditioned that the persons so laying or constructing such lateral water pipe shall hold the city harmless from any and all injuries or damages resulting to third persons on account of the laying and construction of such lateral water pipe, or in any manner growing out of the laying or construction of same, and that they will pay off and discharge any claim, cost, damage or expense which may be established by judgment or otherwise against the City of Houston, on account of the laying or construction of any such lateral water pipe, or in any manner growing out of or connected with the laying and construction of same. (Id., Sec. 3.)

Sec. 1473. Connection to Be Made by Water Department; Cost Paid by Applicant—Any person or persons connecting with any such lateral water pipe, as is herein provided for, shall, before making such connection, enter into a bond such as is required by the provisions of the preceding section; and such connection must, in every case, be made by the Water Department of the City of Houston; the cost of such connection to be paid by the person applying for the connection at the customary rate charged by the Water Department of the City of Houston for such service, to which department the applicant shall apply for such connection. (Id., Sec. 4.)

Sec. 1474. Conditions Under Which Connections Can Be Made by Certain Persons With Any Such Lateral—If at any time after the laying and construction of any such lateral water pipe as provided for by any person or persons who own or

control property which abuts upon the streets, passageways or walk of said city, wherein or along which such lateral water pipe is laid and constructed, or any persons who own or control property within such distance from such lateral water pipe, as in the opinion of the City Council or other officer designated for that purpose, makes it practical to connect with such lateral water pipe, shall desire to connect with same, he or they shall have the right and privilege of connecting with such lateral water pipe upon the payment to the property owner or persons who originally laid and constructed such lateral water pipe and the persons who have, since the laying and construction of same, contributed to the expense thereof, such sum as shall be necessary to make him or them share equally with all such persons who have contributed to the expense and cost of said particular lateral water pipe in the cost and expense of same, interest on previous payments not to be considered in arriving at such cost, or expense, provided that all such connections to said lateral water pipe shall be made with galvanized iron pipe, from the stop-cock in the curb to the point at which the water is used; the stop-cock on the curb, the connection between same and the lateral water pipe, and the intervening pipe to be laid and constructed by the Water Department of the City of Houston at the expense of the person making the connection, as prescribed in the preceding section. (Id., Sec. 5.)

Sec. 1475. Persons Constructing, Etc., the Owners; Leaks, Valves, Etc.—The persons or property owners who have constructed such lateral water pipes and those who have, as before provided, contributed to the cost and expense of constructing the same, shall be the owners of such lateral water pipes and subject to the provisions of this article and all regulations of the City Council or such officer as may be designated for that purpose, and they shall have the management and control of any such lateral water pipe constructed and laid by them as provided in this article; provided, that if said lateral water pipes are permitted to become leaky, or if said pipes or connections burst, the owners of said lateral water pipe shall at once have the same repaired by the Water Department at the expense of said owners; and the City of Houston shall discontinue the supply of water to said lateral water pipe by cutting off the valve at the point where said lateral water pipe goes into the city's main, until such repair is made; provided, further, there shall be a valve on each lateral water pipe at the point of its connection with the city's main, which valve shall be fur-

nished and placed at the expense of the owner of said lateral water pipe at the time it is connected with the main, but shall be at all times under the exclusive control of the City of Houston. Said valves shall be put in by the Water Department of the City of Houston, but the expense shall be paid by the owners of the lateral pipe; and the connections between the said lateral pipes and the city's water main shall in every case be made by the Water Department of the city, but at the expense of the owner of the lateral pipe. (Id., Sec. 6.)

Sec. 1476. City May Purchase Such Laterals—If at any time hereafter the City of Houston shall desire to purchase any such lateral water pipe, as is in this article provided for, from the property owners or persons who have constructed or contributed to the cost of constructing the same, it shall have the right and privilege to do so, and shall pay therefor such sums as in the judgment of three disinterested freeholders of the City of Houston (same to be appointed by the Mayor) it would cost to construct a water pipe similar to the one so proposed to be purchased, and all persons and property owners in accepting this ordinance and in constructing lateral water pipes thereunder and those making connections with same, as herein provided, agree and bind themselves to sell any such lateral water pipe, herein provided for, to the City of Houston, according to the provisions of this section. (Id., Sec. 7.)

Sec. 1477. Penalty—Any person or persons who lay or construct any lateral water pipe herein provided for, who make any connection with any water main of the city for the purpose of making the lateral connections herein provided, without first having obtained a permit as required by this article, or who violate any of the provisions of this article as to the manner of laying or constructing said water pipes, or making said connections, shall, upon conviction thereof, be fined in any sum not less than Twenty-five nor more than One Hundred Dollars. (Id., Sec. 8.)

Sec. 1478. Penalty—Any person who makes any connection with any lateral water pipe, herein authorized to be laid and constructed, without first obtaining the permit required by this article, or without having first paid or tendered to the persons who constructed and who contributed to the cost of the construction of such water pipe, the amount which it is provided in this article he shall pay, shall, upon conviction thereof, be fined in any sum not less than Twenty-five nor more than One Hundred Dollars. (Id., Sec. 9.)

Sec. 1479. Work to Be Done in Accordance With Ordinance Providing Rules, Etc.—Any work done or action taken under this article shall be done in accordance with and in subordination to the terms, where not inconsistent with the provisions of the articles of this chapter; provided further, that the benefits of this article shall not be extended to persons constructing lateral water mains through property not dedicated to public use, as a public street of the City of Houston; nor will the City of Houston furnish water from its mains to lateral water mains constructed in property not dedicated to public use as a street of the City of Houston. (Id., Sec. 10.)

CHAPTER XLV.

Weights and Measures.

Article 1.—Sealer.

2.—Weights and Measures.

3.—Specific Articles, Sales of.

4.—General Provisions Fixing Penalty, Etc.

ARTICLE 1.

SEALER.

Sec. 1480. Sealer of; Appointment; Qualification; Salary—That there is hereby created the Department of Weights and Measures of the City of Houston. Said department shall be in charge and under the control of an officer to be known as the Sealer of Weights and Measures of the City of Houston, who shall be appointed by the Mayor by and with the consent of a majority of the City Council. He shall be over the age of twenty-one (21) years and the term of his office shall be two years, or until his successor has been appointed and qualified, who shall hold his office for like term. Such Sealer, before entering upon the discharge of the duties of his office, shall take the constitutional oath of office, and shall execute and deliver to the City of Houston a bond payable to it with two or more good and sufficient sureties, in the sum of One Thousand Dollars (\$1000.00), conditioned, for the faithful performance and discharge of all the duties of said office, as provided for hereunder and as may be provided for hereafter by ordinance, and for the payment and accounting to the proper officer of said city for all moneys collected by him in the discharge of the duties of his office. That the salary of the Sealer of Weights and Measures shall be such as may be fixed by the Mayor and City Council. (Feb. 2, 1914; Ord. Bk. 4, p. 79, Sec. 1.)

Sec. 1481. Deputy Sealers; Appointment, Qualification, Etc.—That there shall be such deputy Sealers of Weights and Measures as the Mayor may appoint, who shall take the oath and give bond in the sum of One Thousand Dollars (\$1000.00), conditioned as provided for the Sealer, and receive such compensation as the Mayor with the approval of the Council may fix. They shall serve at the will of the Mayor. (Id., Sec. 1.)

Sec. 1482. Sealer to Purchase, Etc.; Standard of Weights and Measures; Custodian; Power of Sealer—That the Sealer of Weights and Measures shall procure through the Purchasing Agent a complete set of accurate weights and measures and shall cause the same to be tried, proved, sealed and certified to by the official custodian of weights and measures of the State of Texas or by the National Bureau of Standards of the United States. Thereafter such weights and measures shall be the standard of weights and measures for the City of Houston and for all venders therein. The Sealer shall be the custodian of such standard set of weights and measures, and the same shall at all times conform to the standard of weights and measures established and prescribed by law. The Sealer shall prescribe the amount of tolerance to be allowed on weights and measures. (Id., Sec. 3.)

Sec. 1483. Duties of; Supervision and Control of Weights and Measures and Sales Thereby—It shall be the duty of the Sealer of Weights and Measures to devote his entire time to the duties of his office; to visit from time to time as may be necessary all places in said city where weights, scales or measures of any kind or character are used, and to inspect the same, and for that purpose it shall be lawful for him, and he is empowered, at any reasonable hour, to enter any storehouse or other building where any such weight, scale or measure is used, or where he believes the same is being used; that said Sealer of Weights and Measures shall have supervision and control of all matters relating to weights and measures, and sales thereby, and he is charged with the enforcement of all laws and ordinances relating or pertaining to weights and measures, or sales thereby or therewith and such other and further duties as may be placed on him by the ordinances. (Id., Sec. 4.)

Sec. 1484. Duties and Powers of Deputies—Where any duty is placed upon the Sealer of Weights and Measures under any ordinance of the City of Houston, the same may be performed by a duly appointed and qualified deputy, and he and they are granted the powers of police officers and are authorized to make arrests with or without warrants where a regular police officer would be authorized so to do. (Id., Sec. 4.)

Sec. 1485. Duty to Inspect, Etc., Weights, Etc., Stamp and Issue Certificate—It shall be the duty of said Sealer of Weights and Measures, as soon after his appointment and qualification as possible, and of him and his successors in office, not less than once in each year thereafter, and as much oftener

as may in his judgment be necessary, to inspect and test the accuracy of all weights, measures, scales, scale beams, balances, steelyards, automatic and computing scales and all other instruments used in weighing or measuring any articles intended to be purchased or sold in said city; and to stamp with a suitable and permanent seal upon which shall appear the year when such inspection shall be made and the letters "H. S.," meaning "Houston Standard," all such weights and measures so used which he may find do accurately conform to the city standard, and deliver to the owner thereof a certificate of their accuracy. Such weights, measures and scales so sealed shall be described in such certificate with sufficient particularity so that the same may be identified and such certificate shall be signed by the Sealer or Deputy Sealer of Weights and Measures, by whom the inspection was made. (Id., Sec. 5.)

Sec. 1486. Register to Be Kept; Contents—It shall be the duty of the said Sealer to make a register of all the weights, measures, scale beams, patent balances, steelyards and other instruments used for weighing or measuring, inspected and sealed by him, in which he shall state the names of the owners of the same and their addresses, and whether they are conformable to the standard of the City of Houston. (Id., Sec. 6.)

Sec. 1487. Sealer and Deputies Prohibited from Vending Weights, Etc.—It shall be unlawful for the Sealer of Weights and Measures, or for either of the Deputy Sealers of Weights and Measures, to vend any weights, measures, scales, scale beams, patent balances, steelyards, automatic or computing scales, or other instruments to be used for the purpose of weighing or measuring, or to offer or expose the same for sale, or be interested, directly or indirectly, in the sale of the same in the city, or to recommend to any person within said city the purchase of any particular kind, or the purchase from any particular person, of any of the aforesaid articles. (Id., Sec. 7.)

Sec. 1488. Incorrect, Etc., Weights, Etc., to Be Marked "Condemned," and Confiscated—If the Sealer of Weights and Measures shall find that any weights or measures or instruments for weighing or measuring are incorrect, inaccurate or unreliable beyond the limits of tolerance allowed, each such weight or other instrument for weighing shall be marked "Condemned," and such measure confiscated. (Id., Sec. 8.)

Sec. 1489. Upon Resignation, Etc., Standard Beams, Etc., to Be Delivered to Controller—Whenever the Sealer of Weights and Measures shall resign, be removed from office, or

remove from the city, it shall be his duty to deliver to the City Controller all the standard beams, weights and measures in his possession. (Id., Sec. 9.)

ARTICLE 2.

WEIGHTS AND MEASURES.

Sec. 1490. Standards Adopted; All Commodities Bought, Etc., by Weight, Etc., Must Be in Accordance Therewith—That the standards of weights and measures established and prescribed by the laws of the State of Texas shall be and constitute the standard of weights and measures for all venders of all commodities in the City of Houston. All weights and measures used by all venders in the city shall conform to such standard. All commodities bought or sold by weight or measure within the limits of the city shall be weighed or measured in accordance therewith. (Feb. 2, 1914; Ord. Bk. 4, p. 79, Sec. 2.)

Sec. 1491. Weights, Etc., to Be Approved and Stamped Before Sales, Etc., Thereby by Peddlers, Etc.—That no person, firm or corporation, peddler or hawker, after April 15th, 1914, is allowed to sell or dispose of any article of merchandise where it is necessary to use weights or measures in ascertaining the qualities thereof until after the weights and measures have been approved and stamped by the Sealer of Weights and Measures. A failure on the part of said dealer to comply with this regulation is made a penal offense subject to a fine of not less than Ten nor more than One Hundred Dollars for each and every offense. (Id., Sec. 7.)

Sec. 1492. Must Be Inspected and Sealed—Every person, firm or corporation, using weights, measures, scale beams, patent balances, steelyards or any instrument in weighing or measuring any article intended to be purchased or sold in the city, or in weighing or measuring any thing, commodity, merchandise, wares, person or animal for hire or reward, shall cause the same to be inspected and sealed by the Sealer of Weights and Measures in accordance with the provisions of this chapter, and a failure or refusal so to do shall be unlawful and an offense. (Id., Sec. 10.)

Sec. 1493. Sales, Etc., in Quantities of Less Weight, Etc., Than Represented, Etc.; Penalty—From and after April 15th, 1914, any person, firm or corporation, or trustee, receiver, agent, officer, employee or servant thereof, who shall sell or

offer for sale or permit or cause to be sold or offered for sale any commodity or article of merchandise of any kind whatsoever, whether sold by dry measurement or liquid measurement, or linear measurement, or superficial measurement, or cubic measurement, or by weight, or by any unit of enumeration used in determining or measuring quantity, by selling or offering for sale or causing or permitting to be sold or offered for sale any commodity or article of merchandise of any kind whatsoever, in quantities of less weight or measure or enumeration than the weight or measure or enumeration represented by the vendor, or his agent or employee upon such sale or offer of sale, or who shall sell or offer for sale or cause or permit to be sold or offered for sale any commodity in any receptacle containing a less quantity than it is represented at the time of such offer or sale to contain, or any article measured by dry measure that shall not be required by this chapter, or who shall sell or offer for sale or cause or permit to be sold or offered for sale any article of dry measurement, in other than a legal dry measure, or any article of liquid measurement in other than a legal liquid measure, or in any measure which has not been inspected and sealed by the Sealer of Weights and Measures in accordance with and pursuant to the provisions of this chapter, shall be guilty of a misdemeanor and upon conviction shall be fined not less than Five Dollars nor more than Two Hundred Dollars for each offense. (Id., Sec. 11.)

Sec. 1494. Sales, Etc., of Commodities Ordinarily Sold, Etc., by Dry Measure by Wet Measure Forbidden—From and after April 15th, 1914, it shall be unlawful for any person, firm or corporation, or trustee, receiver, officer, etc., to sell or to offer for sale or to permit or cause to be sold or offered for sale by wet measure, any commodity ordinarily bought and sold by dry measure. (Id., Sec. 13.)

Sec. 1495. Unlawful to Sell, Etc., Any Commodity by Other Standards of Weight, Etc., Than Prescribed—It shall be unlawful for any person, firm or corporation, or trustee, receiver, officer, agent or employee thereof, to sell, or offer for sale, or buy or offer to buy, or to permit or cause to be sold or offered for sale or to be bought or offered to be bought, any commodity by any standard of weight or measure except the proper standard herein prescribed for weighing or measuring such commodity. (Id., Sec. 13.)

Sec. 1496. Sale, Etc., of Commodities Ordinarily Sold, Etc., in Bulk by Weight or Measure Prohibited, Unless Upon

or by Officially Tested Weights, Etc.—From and after April 15th, 1914, it shall be unlawful for any vender or purchaser or his servant, agent or other employee in the City of Houston, to offer to sell, or to sell, or to sell and deliver, any commodity ordinarily and usually sold in bulk or quantity, by weight or measure, unless the same be weighed or measured, as the case may be, upon or by officially tested and approved weights, measures, scales, scale beams, patent balances, steelyards, automatic or computing scales, or other instruments for weighing or measuring. (Id., Sec. 14.)

Sec. 1497. Unlawful for Vender of Commodity Ordinarily Sold, Etc., by Weight or Measure to Sell, Etc., Same, Unless He Uses Weights, Etc., Inspected, Approved and Sealed, Etc.—From and after April 15th, 1914, it shall be unlawful for any vender, whether person, firm or corporation, or trustee, receiver, officer, agent, or employee, of any commodity which is ordinarily or usually sold or bought or offered for sale or purchased by weight or measure, to sell or offer to sell any such commodity in the City of Houston, unless in the sale or purchase thereof he uses only such weights, measures, scales, scale beams, patent balances, steelyards, automatic or computing scales or other instruments for weighing or measuring any such commodity so sold or offered to be sold or bought, as have been approved by the Sealer of Weights and Measures or his regularly appointed deputies, and then only after each such weight, measure, scale, scale beam, patent balance, steelyard, automatic or computing scales or other instruments for weighing or measuring shall have been inspected and officially sealed and approved with the official seal and a certificate of approval therefor issued by the Sealer of Weights and Measures; provided, that such certificate of approval shall not be issued for a period to exceed one year. Changes in name, location or business, number or character of weights and measures shall be endorsed upon said certificate by the Sealer of Weights and Measures or his deputies. (Id., Sec. 15.)

Sec. 1498. Venders Prohibited from Using, Etc., Weights, Etc., Unless Official Seal Affixed, Etc.—From and after April 15th, 1914, it shall be unlawful for any vender, whether person, firm or corporation, or trustee, receiver, officer, agent, servant or employee, to use, or to have in his or its possession with intent to use, or to have in his or its possession in a position to use, any weights, measures, scales, scale beams, patent balances, steelyards, automatic or computing scales or other instruments for weighing or measuring, unless the same have

affixed thereon the official seal of the Sealer of Weights and Measures, and unless the same conform to the standard of weights and measures herein prescribed. (Id., Sec. 19.)

Sec. 1499. Venders Prohibited from Selling, Etc., Original Packages, Etc., Commodities Ordinarily Sold, Etc., by Weight or Measure, Unless True Net Weight, Etc., is Plainly Stamped, Etc., on the Face, Etc., Unless Sold, Etc., at Such True Net Weight, Etc.—That from and after the fifteenth day of April, 1914, it shall be unlawful for any vender in the City of Houston, whether a person, firm or corporation, or his agent, clerk or other employee, or its officer, trustee or receiver, to sell, offer for sale or have in his possession with the intent to sell, or cause or permit to be sold or offered for sale in original packages, boxes, crates, bottles, cartons, cases, bags, sacks or other receptacles, any commodity ordinarily or usually sold or offered for sale in bulk or otherwise, by weight or measure, unless the true net weight or measure of the commodity so contained shall be plainly and legibly stamped or printed on the face of each such package, box, crate, bottle, carton, case, bag, sack or other receptacle, unless the commodity so sold or handled or offered for sale is actually sold or offered for sale as of such true net weight or measure. (Id., Sec. 20.)

Sec. 1500. Computing Scales—From and after April, 1914, it shall be unlawful for any vender to use any computing scale which shows on either side thereof a chart of prices which are arithmetically incorrect in that they do not show the exact product of the weight and price of the commodity sold. (Id., Sec. 21.)

Sec. 1501. Unlawful to Refuse to Exhibit to Sealer for Inspection, Any Weight, Etc.—It shall be unlawful for any person to refuse to exhibit any weight, measure, scale, scale beam, patent balance, steelyard, automatic or computing scale or other instrument used for weighing or measuring to said Sealer of Weights and Measures for the purpose of having it inspected. (Id., Sec. 16.)

Sec. 1502. Unlawful to Obstruct, Etc., the Sealer and Deputies—It shall be unlawful for any person in any way or manner to obstruct, hinder or molest the Sealer of Weights and Measures or his deputies in the performance of their duties as hereby imposed. (Id., Sec. 17.)

Sec. 1503. Unlawful for Any Person Except Sealer and Deputy, to Change, Etc., Officially Tested and Sealed

Weights, Etc., or Remove Seal or Tag, or Deface Same—

That it shall be unlawful for any person, except said Sealer or deputy, to change, alter, adjust, modify or in any wise tamper with any officially tested and sealed weights, measures, scales, scale beams, patent balances, steelyards, automatic or computing scales or other instruments for weighing or measuring, or to attach or remove the official seal or any condemning tag of the Sealer of Weights and Measures, or any imitation thereof, to or from any weights, measures, scales, scale beams, patent balances, steelyards, automatic or computing scales or other instruments for weighing or measuring; or to deface such seal or tag or tamper with the same. (Id., Sec. 18.)

ARTICLE 3.**SPECIFIC ARTICLES, SALES OF.**

Sec. 1504. Venders to Sell, Etc., Coal, Etc., on Basis True Net Weight—From and after April 15th, 1914, it shall be unlawful for any vender, whether person, firm or corporation or his servant, agent or employee, in the City of Houston, to offer to sell, to sell, or to sell and deliver any coal, coke, hay, straw, grain, or other feedstuffs unless the same be sold upon the basis of the true net weight thereof. (Feb. 2, 1914; Ord. Bk. 4, p. 79, Sec. 22.)

Sec. 1505. Hundred Weight Coal, Etc.; Ton—That in the sale of coal, coke, charcoal and briquettes, the hundred weight shall consist of one hundred pounds avoirdupois, and twenty such hundred weight shall constitute a ton. (Id., Art. 23.)

Sec. 1506. Coal, Etc., in Sacks; True Net Weight to Be Marked Thereon—From and after April 15th, 1914, it shall be unlawful for any vender to sell, or to offer for sale, or have in his possession exposed for sale, coal or coke or briquettes by the sack in the City of Houston, unless each sack contains fifty (50) pounds, one hundred (100) pounds, one hundred and twenty-five (125) pounds, or one hundred and fifty (150) pounds, net weight of such coal, coke, or briquettes, and unless the true net weight thereof be plainly marked or printed on each of such sacks. (Id., Sec. 24.)

Sec. 1507. Venders of Coal, Etc., to Provide Drivers With Delivery Tickets; Contents—From and after April 15th, 1914, any person, firm or corporation engaged in the business of selling coal, charcoal, coke or briquettes in the city, to be delivered in said city to any person, firm or corporation not engaged in

the business of selling coal, charcoal, coke or briquettes, shall provide the driver of the wagon or conveyance with a delivery ticket bearing the name of the person, firm or corporation selling such fuel, showing the net weight of the fuel, and the name and address of the purchaser of said fuel, which said delivery ticket shall be delivered by the driver in charge of the wagon or conveyance to the purchaser or his agent or representative at the time of the delivery of the fuel. (Id., Sec. 25.)

Sec. 1508. Verification of Weight Shown by Delivery Ticket; Seals That May Be Used; Deposit to Cover Cost Reweighing, Etc.; Seller to Pay When; Penalty—From and after April 15th, 1914, every person in charge of a wagon or conveyance used in delivering coal, charcoal, coke or briquettes, to whom the delivery ticket mentioned in the previous section has been given, shall on demand of the Sealer of Weights and Measures of the City of Houston, or any of his deputies, or the purchaser or intending purchaser of the fuel being delivered, produce and deliver said delivery ticket, and whenever said officer or any of his deputies, or the purchaser or intending purchaser shall demand that the weight shown by such delivery ticket be verified, it shall thereupon become the duty of the person delivering such fuel to convey the same forthwith to some public scale selected by the Sealer of Weights and Measures of the City of Houston or any of his deputies, or the purchaser or intending purchaser of the fuel being delivered in the particular locality where the coal, charcoal, coke or briquettes is to be delivered or to any private scale in the particular locality where the owner thereof shall consent to such use, and permit the weighing of the coal, charcoal, coke or briquettes, together with the conveyance and equipment, for the purpose of ascertaining the gross weight thereof, and shall, after the delivery of such fuel, return forthwith the conveyance and equipment used in the delivery of such coal, charcoal, coke or briquettes to the same scale and permit the weighing of said conveyance and equipment for the purpose of verifying the net weight of the coal, charcoal, coke or briquettes, as shown by the delivery ticket; provided, however, that if the driver of the wagon or conveyance requests the privilege of reweighing said coal, charcoal, coke or briquettes and wagon on other and different scale from that selected by the Sealer of Weights and Measures of the City of Houston or any of his deputies, or the purchaser or intending purchaser, said Sealer of Weights and Measures, or his deputy, or the purchaser or intending purchaser, shall consent to such reweighing on some other scale in

the particular locality; provided, that should the reweighing be demanded by the purchaser or the person to whom the coal or fuel is to be delivered, said person shall, before said coal or fuel shall be reweighed, deposit with the official that is called upon to do the weighing the sum of Fifty Cents for each load that is to be reweighed, and in the event that it be ascertained that the delivery ticket correctly shows the net weight, said official shall pay over to the vender of said coal or fuel the reasonable expense of rehauling of said fuel, not to exceed the amount so deposited.

That where a reweighing of the coal, charcoal, coke or briquettes shows the weight indicated on the delivery ticket to be more than the actual weight of same as shown by the actual reweighing, in that event the seller of the above named commodity shall pay all expenses connected with said reweighing. In the event of the seller refusing to pay said expenses of reweighing he shall be subject to a fine of not less than Ten nor more than One Hundred Dollars. (Id., Sec. 26.)

Sec. 1509. Venders of Ice to Weigh at Delivery; Steelyard, Etc., to Be Used; Ice to Be Sold by Avoirdupois Weight, Unless Special Agreement—From and after April 15th, 1914, every vender of ice in the City of Houston shall, at the time of actual delivery of any ice sold, weigh the quantity of ice delivered, and for that purpose shall use a steelyard, balance or other apparatus for weighing such ice, which shall conform to the standard of weights and measures in accordance with the provisions of the ordinances, and all ice delivered to consumers within the city shall be sold by avoirdupois weight, unless it is otherwise especially agreed upon between the buyer and seller. (Id., Sec. 27.)

Sec. 1510. Tongs Used in Delivering Ice to Be Stamped With Weight—From and after April 15th, 1914, each and every set of tongs used in the delivery of ice within said city shall have prominently and conspicuously stamped thereon the exact and true avoirdupois weight of said tongs. (Id., Sec. 28.)

Sec. 1511. Firewood, Standard Cord—That the standard measurement of a cord of firewood is hereby fixed and established at one hundred and twenty-eight (128) cubic feet. (Id., Sec. 29.)

Sec. 1512. Unlawful to Sell, Etc., Firewood, Except by Cord, Etc.—From and after April 15th, 1914, it shall be unlawful for any person, firm or corporation, or receiver, trustee, agent, servant or employee of such, to sell or deliver or cause or

permit to be sold or delivered to any purchaser firewood in any quantities or by any measure except by the cord or fractional part thereof, or to sell or deliver or cause or permit to be sold or delivered, a less quantity than the quantity represented to be sold and delivered. (Id., Sec. 30.)

Sec. 1513. Unlawful to Sell, Etc., Butter, in Prints, Etc., Other Than in Terms of Pounds, Etc.—From and after April 15th, 1914, it shall be unlawful for any person, firm or corporation, or trustee, receiver, officer, agent, servant or employee thereof, to sell or offer for sale, or to cause or permit to be sold or offered for sale, any butter in prints or packages or otherwise, other than in terms of pounds and ounces avoirdupois, or for a greater weight than the true weight thereof, or without the weight thereof being stamped or printed thereon. (Id., Sec. 31.)

Sec. 1514. Bread; Sign Stating Weight Each Loaf to Be Posted—From and after April 15th, 1914, it shall be unlawful for any person, firm or corporation, or trustee, receiver, officer, agent, servant or employee thereof to sell or to manufacture or offer or expose for sale or to cause or permit to be sold or manufactured or offered or exposed for sale in his premises, or to have in possession or keep for sale, any bread, unless he shall have posted in a conspicuous place in the room where said bread is exposed for sale, a sign in sufficiently large letters to be read by customers, stating the weight of each loaf of bread, the trade name of the different kinds offered for sale, and the price per loaf. (Id., Sec. 32.)

Sec. 1515. Bread; Weighing of—That it shall be the duty of any person designated by the Mayor so to do and he is hereby authorized and empowered to enter any room or place where bread is sold or manufactured or offered or exposed for sale, and to weigh any bread found therein. (Id., Sec. 33.)

Sec. 1516. Rolls, Etc., Not to Come Within Provisions—The provisions of the next two preceding sections shall not apply to rolls or fancy bread weighing less than eight ounces, or to bread weighed more than eight hours after the same is baked. (Id., Sec. 34.)

Sec. 1517. Small Fruits, Etc., in Packages—From and after April 15th, 1914, all small fruits, such as berries, shall, when sold in packages that are multiples of the dry quart of 67.2 cubic inches capacity, have plainly marked or stamped on such package the correct measure thereof, and all such small

fruits, berries, etc., which are sold in bulk by weight or measure shall not be weighed or measured except by a receptacle or measure which shall have plainly marked or stamped thereon the true amount which the contents of such measure shall weigh or measure when full, as provided by this chapter; and should any person sell or offer for sale or measure for sale any fruits such as berries, etc., contrary to the provisions of this chapter he shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than One Dollar nor more than Twenty-five Dollars, and each package or measure falsely stamped or not stamped shall constitute a separate offense. (Id., Sec. 12.)

Sec. 1518. Certificate, Showing True Net Weight of Cotton, Etc.; False Certificates and Marking of Weights Unlawful—From and after April 15th, 1914, it shall be the duty of any person, firm or corporation who weighs or causes to be weighed cotton, wool, sugar, hay, grain or other produce to mark or stamp on such cotton, wool, sugar, hay, grain or other produce where feasible, and where not feasible to furnish to the owner of said cotton, wool, sugar, hay, grain, or other produce, or his agent, a certificate showing the true net weight thereof; and it shall be unlawful for any person, firm or corporation to make or cause to be made or to issue any ticket or certificate showing the weight of cotton, wool, sugar, hay, grain or other produce which said ticket or certificate does not show the true weight thereof, or to mark or stamp on any such cotton, wool, sugar, hay, grain or other produce any weight which is not the true weight thereof, and each bale of cotton, package or container of cotton, wool or other produce so falsely marked or certified shall constitute a separate offense and upon conviction thereof the person so issuing such certificate or making the said weight or causing the same to be issued or marked, shall be fined in any sum not less than Ten Dollars nor more than Two Hundred Dollars. (Id., Sec. 35.)

ARTICLE 4.

GENERAL PROVISION FIXING PENALTY.

Sec. 1519. Penalty, When Not Otherwise Provided—From and after April 15th, 1914, any person, firm or corporation, or the servants, employees, managers, officers, receivers or trustees of such violating any of the provisions of this chapter, shall be guilty of a misdemeanor and upon conviction thereof, when a separate penalty is not otherwise provided herein

for such violation, shall be fined in any sum not less than Five Dollars nor more than Two Hundred Dollars, and each separate sale or package sold or offered for sale shall constitute a separate offense and sustain a separate prosecution therefor. (Id., Sec. 36.)

CHAPTER XLVI.**Final.**

Sec. 1520. That this revised code of the general ordinances of the City of Houston shall be known as "The Revised Code of Ordinances of the City of Houston of 1914."

Sec. 1521. That all civil and penal ordinances of the City of Houston of a general nature in force when this revised code goes into effect, and which are not included herein, or which are not hereby expressly continued in force, or which are altered herein, are hereby repealed; provided, that all ordinances relating to buildings, dilapidated buildings, house moving, fire limits, fireproof roofing, and generally such ordinances as should be contained in a building code; Chapter VI, relating to City Officials, Accounting, Reports, Etc.; and Chapter XXVIII, entitled "Street Paving Refunding Ordinances" of the Revised Code of 1904, are hereby expressly continued in force and excepted from this revised code of ordinances; provided further, that should any ordinance revised or altered herein be held to be illegal by reason of such revision or alteration, then the original ordinance attempted to be revised or altered shall continue to be in full force and effect.

Sec. 1522. That no right of action for taxes or assessments, general, special or local, shall be affected or impaired or repealed, but such right of action shall remain in full force and effect.

Sec. 1523. That the repeal of any ordinance or portion thereof by Section 1521 shall not affect or impair any act done or right vested or accrued, or proceeding, suit or prosecution had or commenced in any case before such repeal shall take effect; but every such act done or right vested or accrued, or proceeding, suit or prosecution had or commenced, shall remain in full force and effect to all intents and purposes as if such ordinances or part thereof so repealed had remained in force, except where the course of practice or procedure for the enforcement of said right or the conducting of said proceeding, suit, or prosecution shall be changed, the same shall be conducted as near as may be in accordance with this revised code.

Sec. 1524. That no offense committed, and no liability, penalty or forfeiture, either civil or criminal, incurred prior to the time when any ordinances or part thereof shall be repealed

or altered by this revised code of ordinances, shall be discharged or affected by said repeal or alteration; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceeded with in all respects as if such prior ordinances or part thereof had not been repealed or altered, except that where the mode of procedure or matters of practice have been changed by this revised code, the procedure had after this revised code shall go into effect, in such prosecutions or suits, shall be, as far as practicable, in accordance with this revised code.

Sec. 1525. That the provisions of this revised code so far as substantially the same as the ordinances in force at the time when this revised code shall go into effect shall be construed as a continuance thereof, and not as new enactments of the same, and in case of any conflict or inconsistency between any such, or any sections of this code, the ordinance of which same is a continuation or revision last passed shall prevail.

Sec. 1526. That in all cases where no special penalty is provided for a violation of any provision of any section of this revised code of ordinances, or provision thereof, that any person, firm or corporation, or agent, servant, receiver or trustee of such corporation, violating the same, shall, upon conviction, be fined in any sum not less than Five Dollars (\$5.00) and not more than Two Hundred Dollars (\$200.00).

Sec. 1527. That any and all ordinances passed since the 8th day of April, A. D. 1914, shall be in no way affected by the repealing clauses of this revised code, but any and all such ordinances shall continue to be in full force and effect, this revised code to the contrary notwithstanding.

Sec. 1528. That the explanatory words, headings, or annotations at the beginning of sections and subdivisions of sections of this revised code shall not be construed to be any part thereof, or a construction of such section or subdivision of a section, but same are merely for convenience in indexing and finding the various provisions of the ordinances.

Sec. 1529. That this revised code of ordinances shall go into effect and be in full force from and after the 6th day of May, A. D. 1914.

Sec. 1530. That it shall not be necessary for the Secretary to copy this ordinance in the ordinance book, but when the book containing the Charter and Revised Code of Ordinances

is published in book form, he shall file a copy thereof among the archives of the city, which shall be considered a record of said ordinance, and when same is published in book form, the same shall be received by all the courts of the State of Texas as prima facie evidence of the provisions of said Charter, and of the general ordinances of the City of Houston in force on the 8th day of April, A. D. 1914, and those passed since that date appearing in the appendix to said Charter and Ordinances.

Sec. 1531. That there exists a public emergency requiring that this ordinance shall be passed finally on the date of its introduction, and the Mayor having declared in writing the existence of such emergency and requested such passage, this ordinance shall be passed finally on the date of its introduction, this the 6th day of May, A. D. 1914, and shall take effect as above provided.

Passed this the 6th day of May, A. D. 1914.

Approved this the 6th day of May, A. D. 1914.

BEN CAMPBELL,
Mayor of the City of Houston.

INDEX

To

Revised Code of Ordinances of 1914

Letters or figures in parenthesis after section references, indicate sub-sections.

A

	Section
ACCOUNTING AND REPORTS— See Chapter VI, Code of 1904, omitted, but not repealed. Articles 58 to 86, inclusive, continued in force.....	1521
ACROBATIC PERFORMANCE— Occupation tax for.....	1341 (p)
ACTIONS— See Automobiles; Traffic, Street; Openings in Streets.	
ADDITIONS— See Subdivisions; Engineering Department.	
ADULTERATION— See Health; Pure Food and Drugs; Milk and Milk Products.	
ADVERTISEMENTS— See Poles; Bill Posting; Streets, Sidewalks, etc.	
ADVERTISING SIGNS— See Signs.	
ADVISORY BOARD TO SCHOOL TRUSTEES— See Public Schools.	
AGENTS— See Garbage; Parks; Public Morals and Decency.	
AGREEMENTS— See Telegraphs; Telephones.	
AIDING PRISONERS TO ESCAPE— See Prisoners.	
AIR GUNS— Shooting prohibited in City.....	929
ALIAS— See Assumed Names.	
AMUSEMENTS— See Moving Picture Shows; Moving Picture Machines; Theatres; Board of Censors.	
ANCHORS— See City Electrician; Permits.	
ANIMALS— See Buffalo Bayou; Stables; Veterinarians; Pure Food and Drugs; Parks; Public Morals and Decency; Public Peace and Order; Public Safety; Milk and Milk Products; Dogs; Public Pound; various animals by names.	
Screened receptacles required in stables, when.....	431
Veterinarians to report certain diseases of.....	494
With, etc., hydrophobia, confined and diagnosis made.....	495
Examination of dairy cattle may be required.....	512 (b)
Dairy cows to be kept clean.....	512 (g)
Contagious, etc., diseases among dairy cows must be re- ported	512 (i)
Diseased, shall not be brought, etc., into City.....	540
Flesh of diseased, shall not be exposed for sale, etc.....	540
Feeding on street around Market House prohibited.....	605
Sale, etc., of flesh of certain, prohibited.....	620
Riding, etc., in public park, unlawful.....	659
Bringing dog into public parks, etc., prohibited.....	661
Pasturing, etc., in public parks, forbidden.....	662

ANIMALS—Continued—	Section
Driving in public parks, etc., prohibited, except.....	665
Dogs, etc., not allowed to run at large in public parks.....	670
Teasing, etc., in public parks, etc., prohibited.....	672
Hitching in public parks, etc., unlawful.....	675
Tying, etc., to shade trees, etc., in public parks, etc., forbidden.....	684
Overloading, abusing, high-checking, etc., an offense.....	797
Cruelty to, an offense.....	797, 798
Officers, etc., have right to uncheck.....	799
Bringing diseased, knowingly, into City, an offense.....	800
Selling diseased, at auction, prohibited.....	801
Permitting, etc., hogs, etc., to go at large in City, forbidden.....	855
Chief of Police may destroy hogs, etc., running at large...	856
Stock Limits; certain, running at large, a nuisance.....	858
Public pound to be established to receive certain.....	860
Method of redeeming impounded.....	861
Not sold, shall be killed.....	862
Police only shall impound.....	864
Driving into stock limits, an offense.....	864
Net proceeds from sale of impounded, to be paid owner.....	865
Unlawful to display on street for sale.....	868
Unlawful for, stabled, to make disturbance.....	869
Wounded, to be killed, when.....	870
Chief of Police to report killed.....	871
Using, without consent of owner, an offense.....	872
Breaking, etc., on streets, an offense.....	904
Driving through City, etc., unlawful.....	905
Dogs not to run at large.....	907
Dogs on streets, etc., not under control of master, etc., are at large.....	907
Chief of Police, etc., to take up dogs at large.....	908
Dogs taken up, how disposed of.....	910
Dogs taken up, when delivered to owner.....	911
Dogs impounded and not redeemed, to be sold.....	912
Dogs not redeemed, etc., to be killed.....	913
Dogs with hydrophobia, etc., to be killed.....	914
Dogs with hydrophobia to be confined and diagnosis made before killed.....	914
Dogs with mange not to run at large.....	916
Dogs with mange, running at large, to be killed.....	918
Staking, etc., animals so that they can get on adjacent sidewalk, etc., an offense.....	920
Driving over bridges faster than walk, an offense.....	921
Riding, etc., upon, etc., sidewalk, etc., an offense.....	1247
Tying to lamp posts, etc., an offense.....	1248
Driving across or obstructing ditches, an offense.....	1250
Hitching, etc., across sidewalk, unlawful.....	1251
Hitching, etc., on certain portions certain streets, unlawful.....	1253
Hay wagons, animals from, on sidewalks, unlawful.....	1255
Horses not to be left unattended, except.....	1302 (42)
Leading, etc., on sidewalks, forbidden.....	1302 (22)
Spreaders on double teams prohibited.....	1302 (41)
Horses shall not be unbitted on street, unless.....	1302 (43)
Driving unbroken or breaking on streets, etc., prohibited...	1302 (45)
Fastening, etc., to fire alarm box, etc., prohibited.....	1302 (46)
Livery men not to keep, etc., on pavement.....	1309
Unlawful to ride across sidewalk, except.....	1315
ANIMALS, DEAD—	
See Buffalo Bayou.	
ANTITOXIN—	
See Health Officer.	
APPROPRIATIONS—	
See Purchasing Agent.	
ARCHITECTS—	
To notify Plumbing Inspector.....	1092 (25)
ARMS—	
Police officers to search persons for, when.....	773
Discharging firearms within City limits, an offense.....	814
Discharging firearms in parks, etc.....	671
ARREST—	
See Policemen; Public Peace and Order.	
ASHES—	
See Garbage.	
Shall not deposit in garbage vessel.....	439

ASHES—Continued—	Section
Shall not throw, etc., in streets, etc.....	442
Depositing in wooden receptacles, etc., an offense.....	932
ASSESSMENT OF PROPERTY—	
See Taxes and Taxation.	
ASSESSOR AND COLLECTOR OF TAXES—	
See Automobiles; Carriers; Taxes and Taxation.	
ASSIGNATION HOUSES—	
See Reservation; Prostitution; Public Morals and Decency.	
Unlawful to carry on within certain district.....	784
Mayor may order occupants of, to move, when.....	785
Mayor or Council may close, etc., when.....	786
Unlawful to loiter in.....	788
Unlawful to falsely register as husband and wife.....	792
ASSISTANT CITY ATTORNEY—	
See Legal Department.	
ASSISTANT CHIEF OF FIRE DEPARTMENT—	
See Fire Department.	
ASSISTANT CITY ENGINEER—	
See Engineering Department.	
ASSISTANT HEALTH OFFICER—	
See Health Department.	
ASSAULT AND BATTERY—	
Definition of	815
Intent to injure presumed.....	816
May be committed on another than person intended.....	817
How may be committed.....	818
Means which come within definition.....	819
Explanation of terms.....	820
Violence does not amount to, when.....	821
Necessary degree of force only permitted.....	822
Verbal provocation no justification for.....	823
Definition of battery.....	824
Degrees of assault.....	825
ASSUMED NAMES—	
Giving of, by persons arrested, to peace officers, unlawful..	805
Peace officers knowingly receiving, guilty of offense.....	807
Peace officers knowingly filing charges against arrested person, under, guilty of offense.....	808
AUCTIONS—	
Selling diseased animals at, prohibited.....	730
AUCTIONEERS—	
Occupation tax for.....	1341 (c)
AUDITORIUM—	
See Theatres.	
Creation of Board of Trustees for.....	41
Management and control of.....	41
Rules and regulations governing, etc.....	42
AUTOMOBILES, REGULATION OF—	
See Traffic, Street; Carriers; Vehicles.	
Unlawful to operate without registration.....	43
Assessor and Collector to keep record of.....	44
Unlawful to operate without number.....	45
Unlawful for person under 18 years to operate.....	47
Signal lights for to be provided.....	48
Civil actions not abridged, etc.....	49
Mufflers, when required.....	51
Exhaust gases, escape of.....	52
Stand within certain district during certain hours, without an attendant, unlawful.....	1253
Shall have gongs, not to be sounded, except.....	1301 (24)
Emission of steam, etc., prohibited, when.....	1301 (25)
Lights on, after sunset, etc.....	1301 (26)
Drivers of must learn rules of road.....	1299
Want of, prima facie evidence of negligence.....	1299
Failure to observe provisions of Traffic Ordinances, negli- gence per se.....	1300
Speed limit	1301
AWNINGS—	
Conditions under which stationary may be erected, etc....	1265
Within the fire limits.....	1265
Outside the fire limits.....	1266
Permit must be procured for construction of.....	1267

AWNINGS—Continued—	Section
Construction, etc., other than provided for, an offense.....	1268
Persons who commit the offense.....	1268
B	
BACTERIOLOGIST—	
See City Chemist and Bacteriologist.	
BADGES—	
See Fire Department; Police Department; Health Department; Baggage Masters.	
BAGGAGE MASTERS—	
Invested with police powers at depots.....	1025
May assign stations to vehicles at depots.....	1026
Must take oath, give bond, etc.....	1028
Must wear badge.....	1028
BAIL—	
Chief of Police, etc., authorized to accept cash, when.....	740
Amount	740
Must be voluntarily offered.....	740
Cash may be applied to payment of fine, etc.....	740
Amount of cash shall not be less than.....	741
Cash not taken when court in session.....	742
Chief of Police, etc., to give receipt for.....	740, 743
Chief of Police, etc., to file complaint.....	744
Application of cash, etc.....	745
Disposition of cash, when complaint dismissed.....	746
Disposition of cash, when forfeited.....	740
Who authorized to accept cash.....	747
BAKERIES—	
See Health Officer; Milk and Milk Products; Food Products; Weights and Measures.	
Health Officer to visit.....	396
Health Officer to grant permits to establish, with approval of Council	399
Regulations concerning sale of milk, etc.....	509
Buildings, etc., used as, regulations, etc., concerning.....	542
Persons shall not live, etc., in workroom of.....	548
BALLOTS—	
See Elections, General; Elections, Primary.	
BANANA PEELINGS—	
Throwing on sidewalk, etc., unlawful.....	1314
BANDS OF MUSIC—	
Playing on streets, etc., unlawful, when.....	847
Every member guilty.....	848
BARBED WIRE FENCES—	
Prohibited within City.....	936
BARBER SHOPS—	
Shall be open to inspection.....	436
Rules and regulations governing.....	436
BARNs—	
See Stables.	
Board of Health may make orders for cleaning, etc.....	389
Carrying, etc., lights, etc., into, offense, when.....	931
BARRIERS—	
See Buildings; Streets, Sidewalks, etc.; Openings, etc., in Streets, etc.	
BASEBALL PARKS—	
Occupation tax for.....	1341 (b-b)
BATHING—	
See Swimming Pools and Natatoriums; Buffalo Bayou.	
In Buffalo and White Oak Bayous, unlawful, when.....	55
BATH TUBS—	
See Plumbing; Water Department.	
BAWDY HOUSES—	
See Assignment Houses; Reservation; Prostitutes; Prostitution.	
Unlawful for inmates of to walk streets, etc.....	778
Unlawful to rent, etc., house, etc., for.....	781
Unlawful to establish without certain limits.....	784
Mayor may order occupants of to remove.....	785
Mayor or Council authorized to close, when.....	786
Loitering, etc., in, forbidden.....	788

	Section
BELLS—	
See Railways.	
BELTS—	
See Street Railways.	
BERRIES—	
See Weights and Measures; Food Products; City Market.	
BERTILLON OPERATOR, ETC.—	
See Police Department.	
BICYCLES—	
See Parks; Traffic, Street; Streets, Sidewalks, etc.; Side-	
walks.	
Unlawful to propel, except on driveways.....	665
Speed limit of, in public parks, etc.....	666
Shall have lamps, gongs, etc.....	926
Wantonly causing collisions by, etc.....	928
Riding on, etc., sidewalks, etc.....	1247
Speed limit	1301
Rules of the road.....	1302
Riding over, etc., sidewalk, forbidden, except.....	1302 (22)
Shall have gongs, etc.....	1302 (24)
Gong, etc., shall not be sounded, except.....	1302 (24)
Shall not propel, etc., over fire hose.....	1302 (40)
Shall not hinder, etc., fire apparatus, etc.....	1302 (40)
Persons riding on shall not cling to, etc., street cars, etc....	1302 (49)
Shall stop, etc., in case of collision.....	1302 (52)
BIDS—	
See Purchasing Agent.	
BILL BOARDS—	
See Parks; Bill Posting; Awnings; Signs; Streets, Side-	
walks, etc.; Sidewalks.	
BILL POSTER—	
See Bill Posting; Parks; Awnings; Signs; Streets, Side-	
walks, etc.; Sidewalks.	
BILL POSTING—	
See Parks; Awnings; Signs; Streets, Sidewalks, etc.; Side-	
walks.	
Must obtain permit, or license, to engage in.....	1285
Who are bill posters.....	1286
How to obtain permit or license, fee, bond, etc.....	1287
Advertisements, etc., not to be painted, etc., on curbs, etc....	1288
Advertisements, etc., not to be painted, etc., on posts,	
trees, etc.	1289
Handing out, etc., bills, etc., on streets, forbidden.....	1290
Posting, etc., obscene bills, etc., forbidden.....	1291
Bill posters shall not scatter, etc., paste, etc., on side-	
walks, etc.	1292
Bill posters shall avoid creation of nuisances, etc.....	1293
Bill posters shall not erect bill board in City without permit	
Bill posters shall not use telegraph poles, etc.....	1294
City Council may cancel permit of bill poster.....	1295
BILLIARD TABLES—	
Occupation tax for.....	1341 (h)
BIRDS—	
Unlawful to sell, etc., native.....	802
Unlawful to catch, etc., wild.....	803
BIRTHS—	
See Vital Statistics; Physicians; Midwives.	
BLASTING POWDER—	
See Explosives, Inflammables, etc.	
BLOCK BOOKS—	
See Taxes and Taxation.	
BLOCKS—	
See Stagnant Water; Engineering Department; Surveys;	
Subdivisions.	
BLOWING WHISTLES—	
See Railways.	
BOARDING HOUSES—	
See Garbage.	
Must give notice of certain diseases.....	498
Unlawful to falsely register as husband and wife.....	792
BOARD OF APPRAISEMENT—	
See Taxes and Taxation.	

BOARD OF CENSORS—	Section
Creation of	37
Duties of	37, 38
Reports and recommendations by.....	38
Hearings on reports and recommendations.....	39
Mayor may prevent giving of entertainments, when.....	39
Mayor may annul permits for entertainments, when.....	39
BOARD OF EXAMINERS FOR ELECTRICIANS—	
See Electrical Department; Master Electricians; Contracting Electricians.	
Creation, composition and appointment of.....	196
Powers and duties of.....	196
Additional duties of.....	197
May cancel licenses of master electricians, etc.....	202
Procedure to cancel.....	202
BOARD OF EXAMINERS OF PLUMBERS—	
See Sewers, Plumbing, etc.; Master Plumber; Journeyman Plumber.	
Composition and appointment of.....	1077
Shall examine, etc., persons engaged in plumbing business..	1077
Unlawful to engage in business unless licensed by.....	1077
Shall issue licenses to whom.....	1077
Shall keep record of licenses issued.....	1077
Shall not issue license for longer than one year.....	1077
BOARD OF EXAMINERS OF STATIONARY ENGINEERS—	
See Stationary Engineers.	
Creation, composition and appointment of.....	1127
Boiler and Elevator Inspector to be Secretary.....	1128
Shall hold sessions twice in each month.....	1129
Proceedings, etc., in granting licenses.....	1129
Temporary employment of unlicensed engineer.....	1130
Owners must employ engineers with license.....	1131
Members must give bond.....	1132
BOARD OF HARBOR COMMISSIONERS—	
See Harbor Department.	
Shall have control, etc., of Harbor Department.....	346
Qualifications and appointment.....	347
Terms of office; vacancies; President; Vice-President.....	348
Secretary of	349
Meetings; Rules and Regulations.....	350
City Engineer ex-officio Harbor Engineer.....	351
Employees, how employed; power of, over.....	352
Shall have control, etc., of Houston Ship Channel, etc.....	353
Specific powers of.....	354
Powers as to control, etc.....	355
Further powers and duties of.....	356
May administer oaths and require attendance of witnesses, etc.	357
BOARD OF HEALTH—	
See Health Department; City Chemist and Bacteriologist; Barber Shops; Swimming Pools and Natatoriums; Privies, Vaults, Closets, Cesspools, etc.; Contagious Diseases; Communicable Diseases; Milk and Milk Products; Inspection, Miscellaneous; Health Officer.	
Components of Health Department.....	369
Creation, composition, appointment, etc.....	388
Meetings; power to make orders at.....	389
May take necessary measures to prevent spread of contagious diseases	389
Shall not incur debt, etc., against City, unless.....	389
Health Officer shall execute, etc., orders of.....	389
Secretary of; shall keep records.....	390
Election of President and Vice-President.....	390
Committee of Public Charities; powers.....	391
Health Officer, etc., to execute orders of.....	392
Shall make orders, etc., for its own government.....	393
Standing committees	394
Specific duties of.....	395
Health Officer, at direction of, shall revoke permits.....	401
Charged with enforcement of provisions with reference to swimming pools, etc.....	449
Changes in construction of swimming pools, etc., under....	454
Plans, etc., of swimming pools, etc., to be approved by.....	455
Has authority to enter, etc., cellars, etc.....	474
Shall recommend abatement, etc., of nuisances in buildings, etc.	474

BOARD OF HEALTH—Continued—		Section
Shall display placards, where certain diseases.....		482
Has control of hospitals for contagious diseases.....		484
Has authority to order, etc., removal, etc., of persons afflicted with contagious disease.....		484
May establish character of disease by medical examination		487
Shall inform Librarians of dangerous diseases, etc.....		489
Must approve permits to engage in certain businesses.....		563
Unlawful to prevent from entering building, etc.....		567
BOARD OF SCHOOL TRUSTEES—		
See Public Schools; Advisory Board to School Trustees.		
BOILER AND ELEVATOR INSPECTOR—		
See Steam Boilers and Elevators.		
Creation, appointment, qualifications, etc.....	1108	
May appoint deputy.....	1108	
Duties of	1109	
Decision of may be appealed from.....	1110	
Salary and bond of.....	1116	
May be discharged.....	1117	
Shall inspect elevators.....	1118	
When elevators shall be inspected.....	1119	
Inspection fees	1122	
Appeal from decision of.....	1124	
BOILERS—		
See Steam Boilers and Elevators.		
BONDS—		
See Moving Picture Shows; Theatres; Carriers; Electrical Department; Sewers, Plumbing, etc.; Bill Posters.		
BONDS, OFFICIAL—		
See Controller; Corporation Court; City Electrician; Engineering Department; Fire Department; Fire Marshal; Health Department; Market House, etc.; Police Department; Public Schools; Purchasing Agent; Steam Boilers and Elevators; Taxes and Taxation; Treasurer; Water Department; Weights and Measures.		
BOXES—		
See Explosives, Inflammables, etc.; Streets, Sidewalks, etc.		
BREAD—		
See Bakeries; Weights and Measures; Market House, etc.		
BREWERIES—		
Board of Health may make orders for cleaning, etc.....	389	
BRIDGES—		
Driving animals over faster than walk, an offense.....	921	
Railway Companies must construct, etc.....	1031	
Steam and Electric Railways must construct, etc.....	1152	
Unlawful to construct without consent of Council.....	1220	
Fastening hand bills, etc., to, prohibited.....	1318	
BRIQUETTES—		
See Weights and Measures.		
BROKERS—		
Occupation tax for.....	1341	(i-i)
BUFFALO BAYOU, ETC.—		
Contaminating water above Waterworks dam prohibited...	54	
Bathing in, unlawful.....	55	
Erecting slaughter houses, etc., above Waterworks dam, prohibited	56	
Depositing refuse, etc., in, etc., prohibited.....	57	
Discharge of waste oils, etc., in, unlawful.....	58	
Offense for such substances to reach, etc.....	59	
Discharge of refuse oils, etc., in, declared nuisance.....	60	
Unlawful to fill in, etc., banks, etc.....	62	
Unlawful to pile earth, etc., on banks, etc., without permit..	62	
Corporate limits of City extended along, etc.....	130, 131	
BUILDING INSPECTOR—		
See Building Ordinances, etc., omitted; Signs; Awnings.		
BUILDINGS—		
See Building Ordinances, etc., omitted; Moving Picture Machines; Moving Picture Shows and Rooms; Theatres; Fire Marshal; Health; Sewers, Plumbing, etc.		
Refusing, etc., to remove, etc., an offense.....	934	
Board of Health may make orders for cleaning, etc., certain	389	
Keeping uncleanly, etc., nuisance.....	414	
Connections with sewers.....	461	

BUILDINGS—Continued—	Section
Shall be provided with privy, etc., when.....	462
Board of Health, etc., has authority to enter, etc.....	474
Disinfected, when	490
Used for certain purposes, shall be lighted, etc.....	542
Shall have convenient toilet rooms, when.....	546
Persons affected with certain diseases not to work in.....	549
Health Officer, etc., shall have power to enter, etc.....	550
Unlawful to prevent Board of Health, etc., from entering...	567
Shall be connected with sewer, when.....	1092 (6)
BUILDING ORDINANCES—	
Not contained herein, but continued in force.....	1521
BURGLARIOUS INSTRUMENTS—	
Possession of, etc., an offense.....	938
BURIAL—	
See Health; Vital Statistics.	
In Potter's Field, prohibited.....	422
Persons dying with certain diseases shall be buried within twenty-four hours	483
Without permit, etc., prohibited.....	572, 573
Permit from Health Officer necessary before, etc.....	574
Examination, etc., to be made before certain bodies pre- pared for	579
Unlawful to bury, unless examination, etc.....	583
In certain cases, monument to be placed at time of.....	583
BUSHEL—	
See Weights and Measures.	
BUTCHER SHOPS—	
See Board of Health; Health; Food Products; Health Offi- cer; City Market.	
Board of Health may make orders for cleansing, etc.....	389
Permits for, granted or refused.....	399
Shall be lighted, etc.....	542
Permits necessary to bring fresh meat into City, etc.....	563
BUTTER—	
See Milk and Milk Products; Food Products; Health.	
Unlawful to sell, etc., in prints, etc., other than.....	1513
C	
CABS—	
See Carriers.	
CALCIUM CARBIDE—	
See Explosives, Inflammables, etc.	
Unlawful to store, etc., unless.....	273
Method, manner and place of storage.....	274
Buildings for storage shall be fireproof, etc.....	275
CANDIDATES—	
See Elections, General; Elections, Primary.	
CANNERY—	
See Food Products; Health.	
CANNON CRACKERS—	
Occupation tax to sell.....	1341 (k-k)
CAPTAINS—	
See Fire Department; Police Department.	
CARNEGIE LIBRARY—	
See Library.	
CARRIAGES—	
See Carriers; Collisions; Vehicles; Traffic, Street.	
CARRIERS—	
See Automobiles; Collisions; Street Cars; Vehicles; Hack Stands; Traffic, Street.	
Definition of "carriage".....	63a
Must have license for vehicle.....	64
Owners of vehicles must give bond.....	65
Record; number to be kept.....	66
License fees	67
License shall run for.....	68
License may be transferred.....	69
Drivers of vehicles of, must respond to call.....	70
What is load.....	71
Rates, etc., to be charged by drays, etc.....	72
Refusal by, to carry, etc., or extortion, etc., an offense....	73

CARRIERS—Continued—	Section
Unlawful to refuse to pay charges.....	74
Disputes as to distance, etc., how settled.....	75
Receiving, etc., passengers, manner.....	76
Rates for carriages, etc.....	77
Card showing rates must be conspicuously displayed.....	78
Passengers refusing to pay fares guilty of offense, when...	79
Must carry passenger, when.....	80
May accept less than legal fare.....	81
Must have numbers on lamps.....	82
Must be safe and sanitary.....	83
Carrying invalids; duty in certain cases.....	85
Unlawful to solicit custom at depots, when.....	87
Unlawful to call out, etc., hack, etc., at depot, etc.....	88
Unlawful to leave vehicle, etc.....	89
Spitting in, prohibited.....	1302 (47)
Stands for hacks.....	91
Stands for drays, etc.....	92
Shall not loiter when stand occupied.....	93
Stands for street cars.....	94
Vehicles, etc., shall not loiter, etc.....	95
What shall constitute loitering.....	95
Two vehicles shall not stand abreast.....	96
Positions, etc., at, and occupation of, stands.....	97, 98, 99
Stands not for exclusive use.....	100
Usage and occupation of stands.....	100
CARS—	
See Street Railways; Carriers.	
CARTS—	
See Scavenger.	
CASHIER—	
See Water Department.	
CATCH BASINS—	
See Sewers, Plumbing, etc.	
Deposits, etc., in, prohibited.....	1084
CATTLE—	
See Milk and Milk Products; Animals; Public Peace and Order; Public Safety; Health; Parks; Streets, Sidewalks, etc.; Stables.	
Slopping cattle, etc., a nuisance, when.....	420
CATS—	
Dead shall not be deposited in garbage vessels.....	439
CELLARS—	
See Board of Health; Nuisances; Food Products; Health Officer.	
CEMENT—	
Unlawful to mix on streets.....	1307
CEMETERIES—	
See Burials.	
CENSORS—	
See Board of Censors.	
CERTIFICATES—	
See Permits; Licenses; City Secretary; Corporation Court; Elections; City Engineer; Health; Public Schools; Controller; Taxes and Taxation; Assessor and Collector; Weights and Measures; Inspection of Country Produce.	
CESSPOOLS—	
See Board of Health; Nuisances; Sewers, Plumbing, etc.; Privies, Vaults, Closets, Cesspools, etc.	
CHAIRMAN BOARD OF APPRAISEMENT—	
See Taxes and Taxation; Rendition, Assessment, etc.	
CHAIRMAN EXECUTIVE COMMITTEE—	
See Elections, Primary.	
CHARCOAL—	
See Weights and Measures; Coal.	
CHAUFFEURS—	
See Fire Department.	
CHEESE FACTORY—	
See Food Products.	
CHEMIST—	
See City Chemist and Bacteriologist.	

CHICKEN POX—	Section
See Contagious Diseases; Communicable Diseases; Food Products.	
CHICKENS—	
Unlawful to run at large.....	867
CHIEF OF FIRE DEPARTMENT—	
See Explosives, Inflammables, etc.; Fire Department.	
CHIEF OF POLICE (SUPERINTENDENT OF POLICE)—	
See Police Department; Policemen; Carriers; Controller; Corporation Court; Explosives, Inflammables, etc.; Health; Vital Statistics; Pawn Brokers, Second-hand and Junk Dealers; Public Morals and Decency; Public Peace and Order; Public Policy; Public Safety; Public Pound; Street Railways; Streets, Sidewalks, etc.; Occupation Taxes.	
Controller to charge with fines, etc., assessed by Corporation Court	129
Fines and costs to be paid to.....	146
Shall make daily reports of commitments returned, etc.....	149
Prisoners released by, when.....	151 (j)
Shall have cotton unlawfully stored removed, etc.....	303
Shall serve process of Harbor Board.....	357
Shall see that Market Master's receipts are posted, etc.....	637
Shall see that Ordinances regulating Market House are enforced	638
Member of Police Department.....	707
Terms "Superintendent of Police" and "Chief of Police" synonymous	708
Creation of office.....	707
Appointment and bond.....	710
Has charge, etc., of Police Department.....	709
Powers and authority.....	711
Duties	712
Shall instruct officers to report new occupations, etc.....	725
Shall report weekly such new occupations, etc.....	726
Shall watch conduct of certain persons.....	727
Authorized to accept cash bail, when, etc.....	740
Shall make daily report of cash bails.....	740
Amount of cash bail, not less, etc.....	741
In cases of cash bail, shall cause complaint to be filed.....	744
Cash bail not to be accepted when Court in session.....	742
Disposition of cash bail.....	745, 746
Who allowed to accept cash bail.....	747
City convicts to be worked under supervision of.....	752
Shall make daily remittances.....	755
Shall keep record of commitments.....	756
Shall be liable for all fines and costs.....	756
Duties with reference to fees earned by police officers.....	770, 772
May destroy goats and hogs, when.....	855, 856
Shall establish public pound, etc.....	860
Shall kill impounded animals, when.....	862
Who shall impound.....	864
Wounded animals shall be killed, when.....	870
Shall report animals killed.....	871
Shall take charge of "Policy Game Devices," etc.....	878
Shall take charge of dogs running at large.....	908
Shall dispose of such dogs, how.....	910, 911, 912, 913, 914
CHIEF PLUMBING INSPECTOR—	
See Sewers, Plumbing, etc.; Gas.	
Member Engineering Department.....	219
Creation of office.....	220
Appointment and bond.....	224
Duties of, etc.....	232
CHIEF SANITARY INSPECTOR—	
See Sanitary Inspectors; Health Department.	
Member of Health Department.....	369
Office created	370
Authority, power and duties of.....	380
Salary of	382
CHILDREN—	
See Public Schools; Supervisor of Hygiene, etc.	
CHOLERA—	
See Publicans; Burial; Public Schools; Food Products.	
CIGARETTE DEALERS—	
Occupation tax on.....	1341 (h-h)

CHIMNEYS AND FLUES—		Section
Creation of office of Inspector of Chimneys, etc.....	102	
Duties, etc.	102	
Appointment and removal.....	103	
Unlawful to use soft coal, etc., when.....	104	
Provided with smoke, etc., consumers, when.....	106	
Authority of Flue Inspector.....	107	
CIRCUSES—		
Prohibited between certain dates.....	896	
Definition of	897	
Parades of, without permit, unlawful.....	1323	
Unlawful to parade between certain dates.....	1324	
Occupation tax for.....	1341 (n)	
CISTERNS—		
Polluted, nuisances	412	
Screening of	425	
Construction of section requiring screening.....	426	
Leaving uncovered, etc., an offense.....	935	
CITY ASSESSOR AND COLLECTOR OF TAXES—		
See Taxes and Taxation; various Departments collecting moneys.		
CITY ATTORNEY—		
See Legal Department.		
CITY CHEMIST AND BACTERIOLOGIST (CITY PATHOLOGIST, ETC.)—		
See Milk and Milk Products; Ice Cream; Pure Food and Drugs; Food Products.		
Member of Health Department.....	369	
Office created	370	
Qualifications of	375	
Duties of	375	
Salary of	383	
Examinations to be made by, to include.....	407	
Duty to prosecute, etc., violation of Pure Food and Drug Ordinances	535	
Not duty to give certificate of purity, etc.....	536	
Annual report of.....	537	
Authority to condemn as unfit for consumption certain products	539	
CITY CONTROLLER—		
See Corporation Court; Chief of Police; Water Department.		
Ex-officio Secretary of City of Houston.....	115	
Bond	122	
Books, etc., used by Departments, to be approved by.....	123	
Shall prepare forms, etc., when.....	124	
Shall deduct taxes, etc., due by creditors of City.....	125	
Shall ascertain amount due.....	126	
Shall report to Mayor, etc.....	127	
Shall open account with Chief of Police.....	129	
Shall charge Chief of Police with all fines, etc.....	129	
Authority for charges.....	129	
Shall file monthly report, showing certain facts as to charges to account of Chief of Police.....	129	
CITY COUNCIL—		
See Moving Picture Shows; Theatres; Elections; Subdi- visions; Explosives, Inflammables, etc.; Harbor Depart- ment; Market House, etc.; Parks; Railways; Sewers; Plumbing, etc.; Street Railways; Streets, Sidewalks, etc.; Taxes and Taxation; Occupation Taxes, Liquor; Water Department; various Departments and Officers.		
Rules governing proceedings of.....	109	
Committees of	110	
Composition of committees of.....	111	
Duties of chairmen of committees.....	112	
Meetings of committees.....	113	
CITY DRUGGIST—		
Member of Health Department.....	369	
Qualification and duties.....	382	
Salary of	383	
CITY ELECTRICIAN—		
See Moving Picture Shows; Theatres; Electrical Depart- ment; Electric Light and Power; Signs; Poles.		
Member of Electrical Department.....	184	
Creation of office, qualifications, etc.....	185	

CITY ELECTRICIAN—Continued—	Section
Oath and bond.....	186
Duties of	187
Restrictions upon engaging in business, etc.....	187
Salary, suspension, assistants, etc.....	187
Definition "City Electrician".....	188
Shall not issue permit to contractor, etc., not licensed.....	192
Shall issue permit, when.....	193
Certificate of inspection by.....	193
Temporary permit	193
Empowered to inspect electrical apparatus, etc.....	194
Authority to cut out lights, etc.....	194
Fees of for inspection.....	195
Member of Board of Examiners of Electricians.....	196
Permit from, to erect poles, etc., must be obtained.....	204
Shall direct the location of manholes, etc.....	205
Duty to notify owners, when wires improperly constructed	214
Interpretation "National Electric Code" by, final.....	189
Testing electric meters by.....	983 (5)
Testing voltage by.....	983 (6)
In making tests may cut off lights, etc.....	983 (7)
CITY ENGINEER—	
See Theatres; Oil; Harbor Department; Railways; Sewers, Plumbing, etc.; Street Railways; Streets, Sidewalks, etc.; Water Department.	
Member Engineering Department.....	219
Creation of office; oath.....	220
With Mayor, has charge, etc., Engineering Department.....	221
Qualifications, bond	222
Duties in addition to other duties.....	225
Restrictions upon employment, etc.....	226
Custodian of maps, etc.....	226
May make rules, etc.....	227
May suspend, etc., when.....	228
Shall run levels, etc.....	229
Shall keep records, etc.....	230
May, with Mayor, require bonds of officers, etc.....	232b
Shall ascertain established monuments, etc.....	234
Shall make surveys, etc.....	236
Shall fix property lines, etc.....	237
Lines not to be changed, except on survey of.....	238
Shall inspect maps of profiles, etc., of rights of way.....	239
Shall examine, etc., applications to lay tracks.....	240
When permit granted to lay tracks, shall furnish Assessor and Collector abstract, etc.....	241
Maps, etc., made by, property of City.....	243
Fees of	244
Fees to be paid to Assessor and Collector.....	245
CITY MARKETS (SANITARY CONDITIONS)—	
Must be properly lighted, drained and ventilated.....	553
Stalls must be lighted, drained and ventilated.....	553
Stalls must be conducted, how.....	553
Unsound and unwholesome meat, fish, fowls, vegetables, fruit, or other products, shall not be offered for sale in..	553
Health Officer may enter stalls or places in and inspect....	553
Shall furnish evidence to City Attorney to prosecute vio- lators of	553
Penalty for violating sanitary, etc., regulations of.....	554
CITY PURCHASING AGENT—	
Creation of office; salary; bond.....	1003
Duties of	1004
Necessity for appropriation before action by.....	1005
May establish rules, etc., for transaction of business.....	1006
Ex-officio Public Service Commissioner.....	1007
Restrictions upon interest, etc., in transactions.....	1008
Clerks	1009
CITY SCAVENGER—	
See Scavenger.	
CITY SECRETARY—	
Creation of office; duties.....	114
Controller ex-officio	115
Assistants	116
Must note amendment, etc., of Ordinances, on margin of record	117
Required to record all Ordinances.....	118

CITY SECRETARY—Continued—		Section
Shall endorse hour of receipt of all official communications	119	
Shall keep record of official bonds.....	120	
Bonds shall be compared and certified.....	121	
Action by, on applications for liquor license.....	1347	
Shall be Secretary to Board of Health.....	390	
CITY WEIGHER—		
See Sealer; Weights and Measures.		
CIVIL ACTIONS—		
See Automobiles; Traffic, Street; Openings in Streets; Carriers.		
CIVIL SERVICE COMMISSION—		
See various Departments and Officers.		
CLERK OF CORPORATION COURT—		
See Police Department; Police Clerk.		
Creation of office; duties; appointment; salary.....	140	
Shall also act as Police Clerk.....	140	
Oath and bond.....	141	
Deputy Clerks; appointment of; oath and bond; duties.....	142	
Shall make daily reports of all commitments, etc.....	148	
Shall make daily report of all cases brought before Court..	148	
Shall issue warrants.....	151 (c)	
Shall issue commitments.....	151 (i)	
Shall issue order to Chief of Police for remission of fine..	151 (l)	
Shall keep a docket.....	152	
Failure to comply with Ordinances cause for removal.....	154	
Member of Police Department.....	707	
May be required to give bond as "Police Clerk".....	722	
Shall make out complaints.....	758	
Shall report fees received from police officers, with check..	769	
CLOTHES—		
See Communicable Diseases.		
COAL—		
See Chimneys and Flues; Weights and Measures.		
Venders to sell, etc., on basis of true net weight.....	1504	
Hundredweight; ton	1505	
In sacks, true net weight to be marked thereon.....	1506	
Venders of to provide drivers with delivery tickets.....	1507	
Verification of weight shown by ticket, etc.....	1508	
CODE, REVISED—		
General provisions concerning.....	1520-1530	
COFFEE HOUSE—		
Unlawful for lewd woman to frequent.....	783	
Unlawful for lewd woman to frequent, to eat, etc.....	789	
Unlawful for proprietor of to permit lewd woman to frequent to eat, etc.....	790	
COKE—		
See Coal; Weights and Measures.		
COLLECTOR—		
See Assessor and Collector; Taxes and Taxation.		
COLD STORAGE (REGULATIONS GOVERNING)—		
Meaning of term "cold storage".....	555	
Meat, eggs, poultry, fish, ice cream and other animal products of to be labeled.....	555	
Retailers of products of must have sufficient icing arrangements	556	
Products once removed from and exposed for sale, then sent back to, shall not be served or sold.....	557	
This includes chickens, turkeys, and similar products.....	557	
Products so handled declared contaminated, unwholesome, etc.	557	
Labeling shall obtain with respect to products brought into Restaurants and hotels supply products of, shall display signs on "menu" or otherwise.....	558	
Products of shall not be sold as "fresh," "strictly fresh" or "from the country".....	558	
Products not of, not to be sold as cold storage products....	558	
Penalty for violating provisions with reference to.....	559	
COLLISIONS—		
Duty of drivers in case of.....	922	
Wantonly causing, of vehicles.....	928	
Duties of drivers in case accidents, etc., due to driving, etc.	1302 (52)	

	Section
COLLUSION— See Contractor.	
COMBUSTIBLES— See Explosives, Inflammables, etc.	
COMMERCE AVENUE— Unlawful to use for switching between certain points.....	1040
COMMISSION MERCHANTS— Occupation tax for.....	1341 (e)
COMMITTEES— See City Council; Board of Health.	
COMMODITIES— See Weights and Measures.	
COMMON TOWELS— See Towels.	
COMMUNICABLE DISEASES— See Contagious Diseases; Infectious Diseases; Pestilential Diseases; Physicians; Board of Health; Health; Hospitals; Persons. Duty of Board of Health to control..... Barber shops shall not employ persons who have..... Physicians shall report in writing to Board of Health..... Principals, etc., of schools, not to permit children sick from, to attend schools..... Persons having, to be isolated as directed by Board of Health	395 436 481 488 490
Buildings, etc., infected by, to be disinfected as directed by Board of Health..... Persons infected with, shall not be brought into City.....	490 491
COMPARTMENTS— See Street Railways.	
COMPLAINTS— See Corporation Court; Chief of Police; Policemen.	
CONCERTS— Occupation tax for.....	1341 (s)
CONDEMNATION— See Corporate Limits; Pure Food and Drugs; Milk and Food Products, Condemnation of.	
CONDEMNATION OF UNSOUND, ETC., MEAT, ETC.— Health Officer, etc., finding meat, etc., blown, etc., or otherwise unfit for consumption, shall have right to condemn, etc.	539
CONDUCTOR— See Street Railways; Railways; Street Crossings. Unlawful to block street crossings exceeding five minutes.. Of Street Cars— Unlawful to interfere with..... Shall have right to refuse passage, when..... Exclusive duty to shift screens..... Duty to report persons shifting screens..... Power of, over passengers and screens..... Duty to notify persons of Ordinance against smoking on..	1013 1142 1163 1171 1172 1173 1175
CONDUIT— See City Electrician; Openings in Streets.	
CONFECTIONERY— Persons shall not live or sleep in.....	548
CONFETTI— Unlawful to throw upon persons, where.....	832
CONGREGATING— See Saloons, Regulations, etc.	
CONSTRUCTION OF ORDINANCES— Word "person," in Health, means..... Term "Circus" means..... In case of conflict, etc., Ordinance last passed prevails.....	569 897 1525
CONSTRUCTION OF SIDEWALKS— See Streets, Sidewalks, etc.; Sidewalks.	
CONSTRUCTION OF STREETS— See Streets, Sidewalks, etc.	
CONTAGIOUS DISEASES— See Communicable Diseases; Infectious Diseases; Pestilential Diseases; Physicians; Hospitals; Persons; Swimming Pools, etc.	

CONTAGIOUS DISEASES—Continued—		Section
Board of Health may take necessary steps to prevent spread of, how		389
Duty of Board of Health to control.....		395
City Chemist and Bacteriologist shall make bacteriological and chemical examinations for, as directed by Mayor, etc.		406
Bodies of persons dying of to be buried within twenty-four hours		483
No public or church funeral to be held in connection with burial of bodies of persons dying with.....		483
Board of Health shall have control of hospitals for.....		484
Board of Health may secure removal and isolation of persons afflicted with.....		484
Physicians shall report to Health Officer within three hours		497
Physicians shall report to Health Officer within six hours deaths from		497
Hotel keepers, etc., to give Health Officer immediate notice of		498
Persons infected or exposed to infection to obey directions of Health Officer.....		499
Milk dealers, etc., shall not remove from house placarded for, any bottles, etc., not disinfected, etc.....		511
Persons suffering from, exposed to, etc., not to work or be allowed to work about dairy, etc.....		511
Persons affected with not to work or be allowed to work in any building, etc., for production, etc., of food.....		549
Health Officer to be given notice of, among cows.....		512
CONTRACTING ELECTRICIAN—		
See Definitions; Electrical Department; Board of Examiners for Electricians.		
CONTRACTS—		
See Contractor.		
CONTRACTOR—		
See Labor.		
What constitutes a day's labor on City work.....		587
Labor Ordinances to be part of bid, etc., on City work....		588
Unlawful to collude in bidding on public improvements....		899
City Council has right to investigate, etc.....		901
City Engineer not to deliver bidding sheets, etc., to those guilty of collusion, etc.....		902
CONTROLLER—		
See City Controller.		
CONVICTS—		
See Corporation Court; Chief of Police; Police Department; City Prisoners.		
State, not allowed, etc., to work, etc., on public place in City		891
CORD WOOD—		
See Weights and Measures.		
Standard measurement fixed, etc.....		1511
Unlawful to sell, etc., except by cord, etc.....		1512
Unlawful to sell, etc., less quantity of, than represented...		1512
CORN—		
See Weights and Measures.		
CORPORATE LIMITS—		
See Charter of City of Houston.		
Extended for limited purposes.....		130
Authority, etc., of City over extension.....		131
Beyond ordinary boundaries, not subject to taxation.....		132
Inhabitants of such extension not entitled to rights of citizenship		132
CORPORATION COURT—		
See Chief of Police; Clerk of Corporation Court; Police Department; Policemen; City Controller; Milk and Food Products; Index to Extracts from Revised Statutes.		
Jurisdiction		133
Open for business.....		134
Rules of practice.....		135
May be held by Mayor, etc., when.....		136
Prosecutions, how conducted and concluded.....		137
Pleas accepted and disposed of in open Court.....		138
Office and hours, Judge and Clerk.....		139
Seal of Court.....		143
Costs to be taxed.....		144
Jurors in		145

CORPORATION COURT—Continued—		Section
Fines, etc., to be paid Chief of Police.....		146
Controller to charge Chief of Police with commitments issued		148
Rules of Procedure—		
Judge to keep minutes of.....		150
Proceedings, how commenced.....		151 (a)
Shall be in name of State.....		151 (b)
Warrant shall be issued.....		151 (c)
Complaint to be read to defendant.....		151 (d)
Plea of guilty.....		151 (e)
Plea of not guilty.....		151 (f)
Continuances		151 (g)
Judgment		151 (h)
Appeal		151 (i)
Prisoners to be released, when.....		151 (j)
Judge not to reduce fines, etc., after report.....		151 (l)
New trial given, etc.....		151 (l)
Application for new trial, when made, etc.....		151 (l)
Judge may recommend remittance of fines, etc.....		151 (m)
Procedure on such recommendations.....		151 (m)
City Attorney not to nolle prosequi case, unless.....		153
Judge may be removed for failure to comply with rules....		154
Employees, etc., of City not to represent violators of Ordinances		155
Provisions of Code of Criminal Procedure apply to collection of judgments, etc.....		156
Corporations, jurisdiction over, how acquired.....		158
Corporations, fines, etc., how assessed against.....		159
CORPORATIONS—		
See Corporation Court.		
Jurisdiction over in Corporation Court, how acquired.....		158
Fines, etc., how assessed against.....		159
May also be assessed against the manager, etc.....		159
Duties imposed upon corporations by Ordinance creating Public Service Commissioner, also imposed upon manager, etc.		973
CORPSES—		
See Burials; Undertakers; Vital Statistics; and other kindred subjects.		
COSTS—		
See Corporation Court; Chief of Police.		
COTTON—		
See Explosives, Inflammables, etc.; Weights and Measures.		
Where may be stored.....		299
Warehousemen must properly guard, etc.....		300
Fire and smoking prohibited in warehouses.....		300
Buildings, etc., for storage of, not to be erected without consent of Council.....		301
Chief of Police to remove cotton stored in violation of Ordinances, etc.		303
Endangering, etc., by fire, etc., an offense.....		933
Weighers to mark, and furnish certificate, etc.....		1518
COTTON BROKERS—		
Occupation tax for.....		1341 (v)
COUNCIL—		
See City Council.		
COUNTRY PRODUCE—		
See Health; Market House, etc.		
Unlawful to peddle, etc., unless inspected.....		647
Hours for inspection.....		648
Certificate of inspection; fee.....		649
COURT HOUSE SQUARE—		
Unlawful to sleep on, etc.....		685
Destroying, etc., trees, etc., on.....		686
COWS—		
See Animals; Cattle; Milk Cattle; Milk and Milk Products; Milk and Food Products; Dairies and Dairymen; Public Pound; Stables; Chief of Police; Streets, Sidewalks, etc.; Obstructions.		
COW STABLES—		
See Stables.		

CREAM—	Section
See Milk and Milk Products; Milk and Food Products; Food Products; Ice Cream; Dairies and Dairymen; Pure Food and Drugs.	
CREAMERY—	
Persons shall not live, etc., in work room of.....	548
CREDITORS—	
Debts due City to be deducted before payment.....	125
CREMATORIES—	
See Health Officer.	
CRIMINAL DISTRICT ATTORNEY—	
See Vital Statistics.	
CRUELTY TO ANIMALS—	
See Animals.	
CURBS—	
See Sidewalks, etc.	

D

DAIRIES AND DAIRYMEN—	
See Milk and Milk Products; Milk and Food Products; Food Products; Pure Food and Drugs; Contagious Diseases, etc.	
Health Officer to grant or refuse permits to establish or conduct	399
No charge shall be made for.....	512
Shall not sell milk without permit.....	512
Permits shall not be issued for unless certificate furnished every twelve months.....	512
Contents of certificates.....	512 (a)
Examination and inspection of cattle of by veterinarian may be required.....	512 (b)
Certificate of health of cattle by veterinarian may be required under oath.....	512 (b)
Permit for may be refused or cancelled if secret injection of tuberculin, etc., in cattle to conceal disease.....	512 (b)
Diseased cattle of may be tagged and isolated.....	512 (b)
What shall be regarded as a tested herd.....	512 (b)
Milk Inspector to have notice of test of animals.....	512 (c)
Records of tests and results to be filed with Milk Inspector	512 (c)
Permits shall not be issued, when.....	512 (d-e)
Permits shall be revoked, when.....	512 (d-e)
Cleanliness of milkers, receptacles, etc., required.....	512 (f)
Cows to be kept clean.....	512 (g)
Teats, etc., to be cleaned before milking.....	512 (g)
Receptacles, etc., for reception, storing, etc., of milk.....	512 (h)
Notice of contagious diseases, etc., among cows.....	512 (i)
Isolation of cows infected with contagious diseases.....	512 (i)
Penalty for having in possession for sale, etc., milk, etc., adulterated or misbranded.....	506
Condition of buildings, etc., occupied or used as.....	542
Shall deliver samples for examination, when.....	565
Shall not deliver sample treated or tampered with.....	565
DANGER SIGNALS—	
See Safeguards.	
DANGEROUS STRUCTURES—	
Refusing, etc., to move, etc., an offense, when.....	934
DAY LABORERS—	
See Labor.	
DEAD ANIMALS—	
See Animals.	
Shall not be deposited in garbage vessels, etc.....	439
DEAD BODIES—	
See Contagious Diseases; Burials; Undertakers; Vital Statistics.	
DEAD FOWLS—	
See Fowls.	
DEALERS—	
See Milk and Milk Products; Milk and Food Products; Food Products; Pure Food and Drugs; Inspection; Cold Storage; Garbage; Weights and Measures.	
DEATHS—	
See Vital Statistics; Physicians; Certificates; Burials; Hospitals; Undertakers; Policemen.	

DECAYED FRUIT— See Fruits.	Section
DEFACING— Injuring, etc., buildings, etc., an offense.....	834
DEFINITIONS— Certain words used generally in the Ordinances.....	160
Word "majority"	173 (e)
Words "City Electrician," "Master Electrician," "Contracting Electrician" and "Journeyman Electrician".....	188
Terms "Sanitary Inspector," "Health Inspector" and "Sanitary Policeman"	381 (e)
General, of "nuisance".....	410
Terms "Adulterated" and "Unwholesome".....	502
Term "Cream"	503
Term "Food"	528
Term "Drug"	528
Article deemed "Adulterated," when.....	529
Term "Misbranded"	530
Article deemed "Misbranded," when.....	531
Term "Food"	542
Word "Person," how construed.....	569
When article, etc., deemed offered, etc., for sale.....	570
Word "Junk"	703
"Public Place"	813
"Injury"	816
Term "to run at large"	859
Term "Pool Room".....	883
Term "Indigent Person".....	894
Term "Circus"	897
"Tramps"	839
Term "Within the radius of the Gas System".....	974 (3)
Term "Within the radius of the Electric Light and Power System"	983 (3)
Term "Within the radius of a Telephone System".....	989 (3)
Term "Residence Section".....	1056
Term "At any time on Sunday".....	1060
Term "Person," as applied to lessor.....	1066
Term "Licensed saloon, etc.".....	1070
Terms "Plumbing," "Drainage" and "Drain Laying".....	1076
Term "Negro"	1161
Term "Cutting Belt".....	1179
"Bill Posters"	1286
Terms "Drivers," "Street," "Curbs," "Person," "Persons" and "Vehicles"	1298
Terms "Lateral Sewer" and "Service Connection".....	1100
DELINQUENT TAX ATTORNEY— See Taxes and Taxation.	
DEPOSITS OF MONEY— Contractors doing electrical work.....	206
Deposits for application to make openings in streets.....	1195
Telegraph Companies, etc., shall make.....	1236
DEPOSITS— See Sewers, Plumbing, etc.; Buffalo Bayou; White Oak Bayou; Streets, Sidewalks, etc.; Garbage.	
DEPOT MASTER— See Railways. Invested with police authority.....	1025
May assign stations to vehicles.....	1026
Must take oath, give bond, etc.....	1027
DEPOTS— See Railways; Depot Master; Carriers.	
DEPUTIES— See various offices.	
DEPUTY ASSESSORS AND COLLECTORS— See Taxes and Taxation.	
DEPUTY SEALERS— See Weights and Measures.	
DEPUTY CHIEF OF POLICE (DEPUTY SUPERINTENDENT OF POLICE)— Member of Police Department.....	707
Duties of	714
May take cash bail.....	740
Where cash bail taken, complaint to be filed.....	744

DILAPIDATED BUILDINGS—	Section
Ordinances omitted, etc.....	1521
DIPHTHERIA—	
See City Chemist and Bacteriologist; Contagious Diseases; Placards; Communicable Diseases; Dairies and Dairymen; Food Products; Physicians.	
Disinfection of premises after.....	490
DISEASED ANIMALS—	
See Animals; Food Products.	
DISINFECTION—	
Buildings, etc., to be, when.....	490
DISORDERLY CONDUCT—	
In public parks, prohibited.....	677
In public places, etc., an offense.....	812
Throwing water, confetti, etc., unlawful.....	832
Using squawkers, etc., unlawful.....	833
Disturbing females in public assembly, etc.....	841
Making "Goo-goo Eyes," etc., unlawful.....	842
In public assemblies.....	843
Public worship, etc.....	844
DISORDERLY HOUSES—	
Keeping, an offense.....	777
Loitering in, prohibited.....	788
DISPENSARY—	
City Druggist shall have charge of City.....	382
DISTRICTS—	
See Stock Limits.	
Unlawful for prostitute to occupy, etc., any house, etc., within certain	780
Saloons prohibited within certain.....	1071
DISTURBING FEMALES—	
See Disorderly Conduct.	
DISTURBING PUBLIC WORSHIP—	
See Disorderly Conduct.	
DISTURBING PUBLIC SCHOOLS—	
See Public Schools; Disorderly Conduct.	
DISTURBANCE OF THE PEACE—	
See Market House, etc.; Disorderly Conduct.	
Disorderly conduct in public place, etc.....	812
DITCHES—	
See Obstructions; Streets, Sidewalks, etc.	
DOGS—	
See Animals; Chief of Police; Public Pound; Policemen; Public Parks; Public Safety.	
DRAIN LAYERS—	
See Plumbing; Sewers, Plumbing, etc	
DRAIN LAYING—	
See Plumbing; Sewers, Plumbing, etc.	
DRAINS—	
See Railways.	
DRAM SHOPS—	
See Saloons.	
DRAYS—	
See Carriers; Vehicles; Public Safety.	
DRAY STANDS—	
See Carriers.	
DRINK—	
See Saloons.	
DRINK AND FOOD—	
See Food Products; Pure Food and Drugs; Milk and Milk Products; Milk and Food Products.	
DRIVERS—	
See Carriers; Fire Department; Collisions; Public Safety; Vehicles; Traffic, Street; Streets, Sidewalks, etc.	
To see that vehicle has license.....	64
Must respond to call, when.....	70
Charges allowed to be made by drays, etc.....	72
Refusal to carry, etc.....	73
Extortion, etc., by.....	73
Entitled to legal charges.....	74
Charges, etc., for carriages, etc.....	77

DRIVERS—Continued—	Section
Passenger must pay legal fare.....	79
Must carry passenger, when.....	80
May accept less than legal fare.....	81
Invalids, duty to carry, when.....	85
Unlawful to solicit custom in front of depot, etc.....	87
Unlawful to call out hack, etc., when.....	88
Unlawful to leave vehicle, etc., when.....	89
Shall remain on vehicle, when.....	95
To drive as near curb as possible, when.....	335
Duty of, in case of collision, etc.....	922
Unlawful for intoxicated to drive through streets, etc.....	923
Must keep to right.....	925
Wantonly causing collision, an offense.....	928
Definition of word "Driver".....	1298
Must familiarize themselves with Rules of the Road.....	1299
Want of familiarity, prima facie negligence.....	1299
Failure to observe Traffic Ordinances, negligence per se.....	1300
Rules and regulations governing (Rules of the Road).....	1302
Shall not refuse, etc., to stop, etc., as directed by police....	1305
DRIVING ON STREETS, ETC.—	
See Streets, Sidewalks, etc.; Traffic, Street; Drivers.	
DRUGGIST—	
See City Druggist.	
DRUGS—	
See Pure Food and Drugs.	
DRUNKEN PERSONS—	
See Public Parks.	
DRY MEASURE—	
See Weights and Measures.	
DUCKS—	
Not to run at large.....	795
DWELLINGS—	
See Health; Sewers, Plumbing, etc.	
Unlawful to store gunpowder in, when.....	293
Buildings not to be occupied as, when certain articles stored	305
Taking possession of, without permission of owner, an	
offense	835
Buildings, etc., used as, must be ventilated, etc., how.....	416
Shall be connected with sanitary sewer, when.....	461
Persons from shall not take book, etc., to, etc., libraries...	489
DWELLINGS, LODGING HOUSES AND OTHER BUILDINGS—	
See Dwellings; Health.	
DYNAMITE—	
See Explosives, Inflammables, etc.	
Unlawful to knowingly bring, etc., within City.....	297
DYSENTERY—	
See Physicians; Food Products.	
E	
EGGS—	
See Cold Storage.	
ELECTIONS, GENERAL—	
Qualifications of electors.....	161
Precincts laid out, etc., by Commissioners Court, adopted..	162
Duties of Mayor, etc., concerning; judges; polls; notice....	163
Returns of; examination of; certificates of.....	164
Who shall vote.....	165
Polls opened and closed, when.....	166
Ballots furnished by City.....	167
Candidates to be placed on official ballot.....	168
Date of holding regular.....	169
ELECTIONS, PRIMARY—	
Date for holding.....	170
Written application to be placed on ballot, necessary.....	171
Requisites of application.....	171
Shall be voted for at large.....	171
Name of candidate shall not be accompanied by territorial	
designation, etc.	171
Precincts laid out, etc., by Commissioners Court, adopted..	172
Nomination of candidates at, how determined.....	173
Qualifications of voters at.....	174

ELECTIONS, PRIMARY—Continued—	Section
Mayor to give notice of holding.....	175
Contents of notice.....	175
Executive Committee to furnish names of judges, etc.....	175
Polls opened and closed, when.....	177
Executive Committee to furnish Mayor, etc., names of candidates	178 (a)
City to furnish ballots.....	178 (a)
Form of ballot.....	178 (c) etc.
Manner of voting.....	178 (e) etc.
Instruction of voters.....	178 (e) etc.
Ballots	178 (i)
Names of candidates arranged by lot, etc.....	178 (i)
City to furnish ballots.....	178 (j)
Counting of ballots.....	178 (k) etc.
Informalities shall not invalidate.....	178 (m)
Election of Executive Committee and Chairman.....	179
Returns, canvass and certification of candidates nominated	180
Judges, etc., must have paid poll taxes, etc.....	181
Candidates may select supervisors; duties of; appointment	182
ELECTRICAL DEPARTMENT—	
See City Electrician; Board of Examiners for Electricians.	
Creation of	183
Composition of	184
City Electrician, etc.....	185-187
Construction—	
Definition of words "City Electrician," "Master Electrician,"	
"Contracting Electrician" and "Journeyman Electrician"	188
"National Electric Code," etc., adopted.....	189
Metal conduits, etc., when required.....	190
Fuse blocks, etc., additional requirements.....	191
Permits necessary to do electrical work.....	192
Restrictions upon City Electrician as to issuance.....	192
Exemptions	192
City Electrician to issue permits, when.....	193
Applications for permits.....	193
Work not to be done without permit.....	193
Wiring, etc., not to be concealed until.....	193
Permit necessary to turn on current.....	193
City Electrician, etc., authorized to inspect apparatus, etc..	194
Authority of City Electrician, etc., in making inspections..	194
Fees for inspections.....	195
Cross wires to be five feet apart.....	207
Wires placed under sheds, etc., only by consent.....	208
Electric Light Company to have tappers.....	209
Persons, etc., placing wires, etc., shall file written consent	
for use by other persons, etc.....	210
Mode of conducting wires may be changed.....	211
Application and consent necessary to placing wires, etc.,	
along streets, etc.....	212
Duty of owners in case of broken wire, etc.....	213
Poorly, etc., constructed trolley wires, etc.....	214
Certain companies to maintain one lineman.....	215
Linemen to wear badge.....	216
Insulation resistance to be standard approved by City	
Electrician	217
Unlawful for Master Electrician to engage in business, when	
Unlawful to transfer license.....	198
Must have one "Journeyman" on job, unless.....	199
License necessary to do electrical work, except.....	200
ELECTRICAL CONSTRUCTION, ETC.—	
See City Electrician; Electrical Department.	
ELECTRICAL WIRING—	
See City Electrician; Electrical Department.	
ELECTRICIANS—	
See City Electrician; Electrical Department; Board of Ex-	
aminers for Electricians.	
ELECTRIC LIGHTS—	
See Lights; Electric Light and Power.	
ELECTRIC LIGHT AND POWER—	
Regulations for government and operation.....	983
Rates for	984
ELECTRIC LIGHT COMPANIES—	
See Electrical Department; City Electrician; Deposits of	
Money; Poles; Streets, Sidewalks, etc.	
Occupation tax for.....	1341 (z)

EMPLOYEES—	Section
See various Departments; Labor.	
ELEVATORS—	
See Steam Boilers and Elevators.	
END SEATS—	
See Street Railways.	
ENGINEERING DEPARTMENT—	
See City Engineer.	
Creation of	219-224
Duties, etc., of officers	225-233
Surveys, subdivisions, etc.	234-250
ENGINEERS—	
See Fire Department.	
Unlawful to block street crossing exceeding five minutes...	1013
ENTICING—	
See Public Policy; Gaming.	
EPIDEMIC—	
See Communicable Diseases; Contagious Diseases; Infectious Diseases.	
ERYSIPELAS—	
See Milk and Milk Products.	
ESTABLISHMENTS, RENDERING AND BOILING—	
Board of Health has power to make orders affecting.....	389
EVIDENCE—	
Sufficient to show ptomaine poisoning.....	526
Failure by carriers, etc., to make proper, etc., inquiry before transporting indigent person, prima facie.....	893
Payment United States, etc., tax, prima facie.....	1356
Tax rolls prima facie.....	1410
Want of familiarity with "Rules of the Road," prima facie of negligence	1299
Failure to observe Traffic Ordinances, negligence per se....	1300
EXAMINATIONS—	
See City Chemist and Bacteriologist; Dairies and Dairymen; Inspections.	
EXCAVATIONS—	
See Openings in Streets; Streets, Sidewalks, etc.	
Leaving uncovered on premises.....	935
EXECUTIVE COMMITTEE—	
See Elections.	
EXEMPTIONS FROM TAXATION—	
See Taxes and Taxation.	
Property exempt	1412
Houston Light Guard Armory, partially.....	1413
EXPECTORATION—	
See Spitting; Natatoriums and Swimming Pools; Food Products; Nuisances.	
EXPLOSIVES, INFLAMMABLES, ETC.—	
See Fire Marshal; Chief of Fire Department; Chief of Police.	
Nitro Cellulose Films—	
Exchanges must comply with Ordinances.....	251
Storage	252
Vaults in buildings not fireproof.....	253 (a)
Vaults in fireproof buildings.....	253 (b)
Safes	254
Ventilation of vaults, etc.....	255
Examining and repairing.....	256
Waste cans	257
Cement	258
Lighting	259
Heating	260
Smoking unlawful in room containing.....	261
Fire protection	262
Failure to comply with Ordinances a nuisance.....	264
Gasoline, etc.—	
Unlawful to store, etc., except.....	265
Tanks, how constructed.....	266
How drawn from tank.....	267
How pumped inside building.....	268
How stored; pumps.....	269
Sand shall be kept, etc.....	270
Unlawful to smoke in room, etc.....	271

EXPLOSIVES, INFLAMMABLES, ETC.—Continued—		Section
Calcium Carbide—		
Unlawful to store calcium carbide, etc.....		273
Method, manner and place of storage.....		274
Buildings fireproof, etc.....		275
Buildings for storage to be marked.....		276
Oil—		
Dimensions for storage tanks.....		278
Filling, maintenance, etc., of tanks.....		280
Tanks shall have indicators, etc.....		281
Must have syphon pump.....		282
Tanks under ground, how located.....		283
How conveyed		284
Standpipes, how anchored.....		285
Oil may be fed to burners from iron accumulator.....		286
Regulations governing the storage, etc.....		287
Permits for overground tanks, when.....		288
Permit necessary to install plant for use of.....		289
Wagons selling must have buckets to catch drippings.....		291
Miscellaneous—		
Gunpowder, not exceeding twenty-five pounds.....		293
Gunpowder, how kept by retailers, etc.....		294
Gunpowder, shall not be stored in City, unless.....		295
Gunpowder, how conveyed.....		296
Nitro-glycerine, shall not be conveyed, etc., through City...		296
Unlawful to bring into City concealed explosives.....		297
Cotton shall not be stored in City, except.....		299
Warehouses storing cotton, etc., to be guarded.....		300
Fire and smoking in, prohibited.....		300
Unlawful to erect, etc., buildings, etc., for storage of cotton, without consent of City Council.....		301
Chief of Police to remove cotton unlawfully stored.....		303
Unlawful to store boxes, etc., in certain places, etc.....		304
Buildings used for storage of certain articles, not to be occupied as dwellings.....		305
Receptacles for ashes, how constructed.....		306
Chief of Fire Department, etc., to inspect premises, etc....		307
Failure to abate nuisances found by Chief, an offense.....		307
Carelessly storing hay, etc., an offense.....		308
Burning trash, shavings, etc., an offense.....		309
Endangering inflammable materials.....		933
EXPOSITION COMMISSION—		
See South Texas Fair and Exposition Commission.		
F		
FACTORIES—		
See Buffalo Bayou; Board of Health; Ice Cream; Food Products; Health.		
FALSE RESIDENCE—		
Unlawful for arrested persons, etc., to give false, etc., resi- dence		805
FARES—		
See Carriers; Street Railways; Charges; Rates.		
FAST DRIVING—		
See Public Safety; Traffic, Street.		
FEDERAL SQUARE—		
Certain provisions with reference to Public Parks, applic- able to		664
FEED STUFFS—		
See Weights and Measures.		
FEES—		
See City Electrician; City Engineer; Corporation Court; Chief of Police; Policemen; Scavenger; Garbage; Delin- quent Tax Attorney; Assessor and Collector; Weights and Measures.		
FENCES—		
Barbed wire, prohibited.....		936
FICTITIOUS NAMES—		
See Assumed Names.		
FICTITIOUS RESIDENCE—		
See False Residence.		
FIGHTING—		
In a public place, an offense.....		811

FINAL CHAPTER—	Section
General Ordinances affecting Revised Code, etc.....	1520-1530
Ordinances omitted, etc.....	1521
FINES—	
See Corporation Court; Chief of Police.	
FIRE ALARMS—	
See Fire Department.	
FIREARMS—	
Unlawful to shoot, etc., in Public Parks.....	671
Discharging in City, an offense.....	814
FIRE CRACKERS—	
See Public Parks; Firearms; Cannon Crackers.	
FIRE DEPARTMENT—	
See Chief of Fire Department.	
Creation of; duties of officers, etc.....	310
Composition of	311
Direction and control of; executive head.....	312
Creation of offices; appointment and qualifications.....	313
Chief, etc., attendance at fires.....	314
Chief, responsible for conduct of.....	315
Chief, his powers, authority and duties.....	316
Assistant Chiefs, authority.....	316
Officers in control, etc., at fires, when Chief absent.....	317
Rules and regulations of City Council, etc.....	318
Subordinate officers, etc., duties of.....	318
First Assistant Chief, performs duties of Chief, when....	319
Copy of Rules to be furnished members.....	320
Members to study Rules.....	320
Secretary of; duties, etc.....	321
Salaries of new appointees, etc., graduated.....	322
Appointees at Central Station, salaries, etc.....	323
Employees (old) full-fledged, etc.....	324
Salaries of officers, etc.....	325
Salary of firemen assigned to duty as watchmen.....	326
Firemen, automatic candidates for promotion.....	327
Firemen failing of promotion, second trial.....	328
Members of, police power.....	329
Failure to comply with orders of members of, an offense..	329
Injuring fire alarm appurtenances, etc., an offense.....	330
Driving over fire hose, an offense.....	331
Falsely giving alarm of fire, an offense.....	332
Vehicles of, have right of way.....	333
Street cars to stop, where, when alarm of fire.....	334
Drivers of carriages, etc., to stop, where, when alarm of fire	335
Pedestrians, to get on sidewalk when alarm of fire.....	336
Interference with, etc., unlawful.....	338
Telephone rates to fire stations.....	992
Railroads to place fire alarm indicators.....	1042
Railroads to open crossings, when.....	1043
Railroads to open crossings, when blocked, etc.....	1044
Street railways to issue transportation to members of....	1188
Vehicles shall not stop within ten feet of fire hydrant.....	1302 (10)
Members have right of way, when.....	1302 (12)
Excepted from prohibition against use, etc., of certain whistles, etc.	1302 (24)
Vehicles of, have right of way.....	1302 (30)
Duty of other vehicles.....	1302 (30)
Drivers of vehicles, on approach of fire apparatus.....	1302 (31)
Has right of way through processions, when.....	1302 (35)
Vehicles shall not drive on, etc., fire hose.....	1302 (40)
Street cars shall stop, etc., on approach of fire engine, etc..	1302 (34)
Street cars shall stop, etc., before passing fire station....	1302 (34)
Shall have right to use any hydrant, etc.....	1454 (11)
FIRE EXTINGUISHERS—	
Theatres, etc., to keep, etc.....	31
FIRE HYDRANTS—	
Free access to must be provided, etc.....	1197
FIRE HOSE—	
See Fire Department.	
FIRE LIMITS—	
See Ordinances, etc., omitted.....	1521
FIRE MARSHAL—	
Creation of office, appointment, etc.....	340
Duties of	341

FIRE MARSHAL—Continued—	Section
May take evidence; disposition thereof.....	342
May secure notary; expense paid by City.....	343
Authority to examine buildings where fire, etc.....	344
Right to inspect for fire risks, etc.....	345
Duty as to certain buildings.....	345
Shall keep assessed valuations of stocks of goods, etc.....	346
FIREPROOF ROOFING—	
See Ordinances, etc., omitted.....	1521
FIRE PROTECTION—	
See Explosives, Inflammables, etc.	
FIRE WOOD—	
See Cord Wood; Weights and Measures.	
FIRES—	
See Fire Department.	
FIRST ASSISTANT CITY ENGINEER—	
Member Engineering Department.....	219
Creation of office.....	220
Qualifications; bond	223
Duties of; restrictions upon.....	231
FIRST ASSISTANT CHIEF OF FIRE DEPARTMENT—	
Member of Fire Department.....	311
Attendance at fires.....	314
Authority	316
Control at fire, when Chief absent.....	317
Shall perform duties of Chief, when.....	319
FISH—	
See City Chemist and Bacteriologist; City Market; Pure Food and Drugs; Permits, Miscellaneous; Cold Storage; Market House.	
Unwholesome shall not be offered for sale in market.....	552
Cold storage shall be plainly labeled or branded.....	554
Permits necessary to bring into City for sale or to sell.....	563
Unlawful to gut, etc., in City Market, during certain hours	607
Refuse from gutting, etc., in, to be removed, etc.....	608
FITTINGS—	
See Sewers, Plumbing, etc	
FLAGMEN—	
See Railways.	
FLAT WHEELS—	
See Street Railways.	
FLUSHING ARRANGEMENTS—	
See Sewers, Plumbing, etc.	
FLOORS—	
Spitting on, of churches, etc., prohibited.....	429
FLUES—	
See Chimneys and Flues.	
FLYING JENNY—	
Occupation tax for.....	1341 (j)
FOOD PRODUCTS—	
See Milk and Milk Products; Milk and Food Products; Ice Cream; Pure Food and Drugs; City Market; Cold Storage; Permits; Inspections.	
City Chemist and Bacteriologist to enforce Ordinances concerning	375
Board of Health has supervision of food supply of city....	395
Health Officer to grant or refuse permits to establish, etc., business involving preparation or sale of food.....	399
City Chemist and Bacteriologist shall examine foods of City	407
Buildings, etc., occupied or used for the preparation for sale, etc., of any food, shall be lighted, etc., with regard to health of operatives, etc., and purity, etc., of food produced	542
Meaning of term "food".....	542
Floors, etc., of establishments, etc., where food is manufactured, etc., shall not be kept unclean, etc., condition....	543
When unclean, etc., condition shall be deemed to exist....	543
Walls, etc., of bakeries, etc., shall be well plastered, etc....	544
Buildings, etc., occupied, etc., for the preparation, etc., of food, shall have an impermeable floor, etc.....	544
Food producing, etc., establishments, during fly season, screened, how	545

FOOD PRODUCTS—Continued—		Section
Buildings, etc., occupied or used for preparation, etc., of food, shall have toilet rooms.....	546	
Construction and furnishings of such toilet rooms.....	546	
Lavatories and wash rooms, how situated and what supplied with	546	
Operatives, etc., shall wash their hands, when and how....	546	
Cuspidors to be supplied.....	547	
Operatives shall not expectorate on floor, etc., in buildings, etc., where production of food, etc.....	547	
Persons shall not be allowed to live or sleep in work room of bakery, etc., where food is prepared for sale, etc.....	548	
Persons affected with certain diseases not to work in buildings, etc., occupied, etc., for production, etc., of food.....	549	
Places producing, etc., food for sale shall be open to inspection	550	
FOOT CROSSINGS—		
See Street Crossings, Railways.		
Sprinkling, an offense.....	846	
FOUNTAINS—		
Discharge of water from on street, etc., an offense.....	1327	
Shall not be used longer than.....	1447	
FOWLS—		
See Animals; Cold Storage; Permits; City Market; Inspections.		
Certain prohibited from running at large.....	867	
FRANCHISES—		
See Board of Harbor Commissioners; Harbor Department.		
Applications for, for ferry, etc.....	358	
Proceedings with reference to application, etc.....	358	
Applications for, to use water front, etc.....	359	
Subsequent procedure thereon.....	359	
FREE PASSES—		
See Free Transportation.		
FREE TRANSPORTATION—		
See Street Railways.		
Street Railway to furnish firemen, etc., with.....	1188	
FRESH AIR—		
See Sewers, Plumbing, etc.		
FRUITS—		
See City Market; Weights and Measures.		
Brought into City for sale, etc., must be husked, when....	653	
Unlawful to peddle without inspection.....	647	
Storing, etc., on sidewalks, unlawful, except.....	1239	
Sale of small, etc., in packages.....	1517	
FUEL—		
See Coal; Cord Wood; Weights and Measures.		
FUNERALS—		
See Burials; Contagious Diseases; Vital Statistics.		
FUSE BLOCKS—		
See Electrical Department.		
G		
GAMES—		
See Public Parks, etc.		
GAMING—		
Unlawful to conduct game of chance in park.....	676	
Unlawful to run horse race, etc., on Sunday.....	853	
Enticing person to bet, etc., an offense.....	873	
With cards	874	
Policy game unlawful.....	877	
Unlawful to purchase tickets for policy game.....	879	
Unlawful to rent, etc., building for policy game.....	880	
Unlawful to keep, etc., pool rooms.....	883	
Unlawful to assist in doing things done by pool rooms.....	885	
Unlawful to furnish, etc., to pool rooms, messages, etc....	886, 888	
Unlawful to allow, etc., telegraph instruments, etc., in pool room	887, 889	
Unlawful to bet on horse race, except.....	890	
GARBAGE, ETC.—		
See Board of Health; Scavenger; Buffalo Bayou.		
Board of Health has supervision of collection and disposal of	395	

GARBAGE, ETC.—Continued—		Section
Residents, etc., to provide, etc., and keep, etc., portable vessels, etc., for holding.....		438
Construction of vessels.....		438
Shall be promptly delivered, when.....		438
Persons shall not interfere with vessels, etc.....		438
Residents, etc., shall not deposit in vessels, etc., what.....		439
Collector shall refuse to collect, when.....		439
Manure, etc., shall not be allowed to accumulate.....		440
Rubbish from business premises to be removed, how often..		441
Garbage, etc., shall not be thrown, etc., in street, etc.....		442
Presence of upon street, etc., shall constitute an offense on part of owner, etc., of property.....		442
Receptacles to be placed on sidewalks, when.....		444
Quantity removed free of cost.....		446
Hauling slops, etc., between certain hours, prohibited.....		448
GARBAGE VESSELS—		
See Garbage, etc.		
GARBAGE WAGONS AND CARTS—		
See Scavenger.		
GAS—		
Regulations for government, etc., of corporations furnishing	974	
Rates for	975	
No general charge for meters.....	976	
Consent of Company for individuals to put in mains.....	977	
Shall furnish high-grade illuminating, etc.....	978	
Meddling with property of Company.....	980	
Injuring property of Company.....	981	
Interfering with gas meters.....	982	
Occupation tax for Gas Companies.....	1341 (y)	
GAS COMPANIES—		
See Gas.		
GASOLINE—		
See Explosives, Inflammables, etc.		
GEESE—		
Not to run at large.....	867	
GOATS—		
See Animals.		
GOODS, WARES, ETC.—		
See Weights and Measures.		
Market Master to inspect, being sold by peddlers.....	650	
Storing, etc., on sidewalks, etc., prohibited.....	1239	
Measures, etc., of peddlers selling, must be approved, etc..	1491	
Measures, etc., must be inspected, etc.....	1492	
Sales, etc., in quantities, of less weight, etc.....	1493	
GOO-GOO EYES—		
See Disorderly Conduct.		
GRAIN—		
See Weights and Measures.		
GRAVEL—		
Hauling in certain wagons, prohibited.....	1312	
GRIFFIN SURVEY—		
See Engineering Department; City Engineer.		
GROCERIES—		
See Board of Health; Milk and Milk Products; Pure Food and Drugs; Food Products; Cold Storage; Milk and Food Products; Permits; Inspections.		
GROUNDS—		
Stagnant water not permitted to stand on.....	424	
Owners must have weeds and grass cut on, and on sidewalks	427	
Board of Health, etc., may enter and examine.....	474	
GUNPOWDER—		
See Explosives, Inflammables, etc.		
GUTTERS—		
See Streets, Sidewalks, etc.; Sidewalks, etc.		
GUY STUBS—		
See City Electrician.		

H

HACKS—	
See Carriers; Vehicles; Traffic, Street.	

HACK STANDS—	Section
See Carriers.	
HAND BILLS—	
See Streets, Sidewalks, etc.; Bill Posting; Nuisances.	
Throwing, etc., on sidewalks, etc., a nuisance.....	1318
HAND CARTS—	
See Vehicles; Traffic, Street.	
Rolling, etc., on sidewalks, an offense, when.....	1244
HARBOR DEPARTMENT—	
See Board of Harbor Commissioners; Franchises.	
Creation, etc.	346
Appointment of Board, etc.....	347
Terms of office, etc.....	348
Secretary	349
Meetings of Board, etc.; rules and regulations.....	350
City Engineer ex-officio Engineer.....	351
Employees, how employed.....	352
Board, etc., has control of Houston Ship Channel, etc.....	353
Specific powers of Board, etc.....	354
Board, etc., power as to control, etc.....	355
Board, etc., additional powers and duties.....	356
Members of Board, etc., may administer oaths, etc.....	357
Procedure on application for ferry franchises, etc.....	358
Procedure on applications for use of water front, etc.....	359
Revenues to be credited, how.....	360
Revenues, how drawn from.....	360
Revenues, purposes for which may be used.....	360
Revenues, reports of collections, etc., by Board, etc.....	361
HARRIS COUNTY TUBERCULOSIS SOCIETY—	
Shall make monthly reports to Health Officer.....	408
HAY—	
Buildings used for storage of, not to be used as dwellings..	305
Carelessly storing, an offense.....	308
Must be sold on basis of true net weight.....	1504
Certificates showing true net weight, etc.....	1518
Must stand at hay stands.....	1255
HAY STANDS—	
Stands for hay wagons.....	1254
Right of way must be kept open.....	1255
HEALTH—	
Health Department	368
Board of Health.....	388
Health Officer	396-406
City Chemist and Bacteriologist, etc.....	407-409
Nuisances	410-430
Stables	431-435
Barber shops	436-437
Garbage, etc.	438-448
Swimming pools and natatoriums.....	449-458
Street cars, etc.....	459-460
Sewage	461
Privies, vaults, closets, cesspools, etc.....	462-478
Physicians, undertakers and midwives.....	479-480
Contagious, infectious and pestilential diseases.....	481-518
Ice cream, regulating manufacture, etc.....	519-527
Pure food and drugs.....	528-541
Food products, regulating sanitary conditions, etc.....	542-552
City Market, etc., regulating sanitary conditions, etc.....	553-554
Cold storage, regulations governing.....	555-559
Milk and food products, condemnation, etc.....	560-562
Permits, miscellaneous	563
Inspections, miscellaneous	564-568
Construction	569-570
Vital statistics, etc.....	571-586
HEALTH DEPARTMENT—	
Creation of	368
Duties of members.....	368
Composition of	369
Creation of offices of.....	370
Appointment of officers and employees.....	371
Salaries of officers and employes.....	384
Bonds may be required of certain officers and employees...	385
Fees or moneys collected or received by.....	386
Sanitary health code to control Ordinance creating.....	387

HEALTH INSPECTORS—	Section
See Sanitary Inspectors.	
HEALTH OFFICER—	
See Health.	
Member of Health Department.....	369
Office of, created.....	370
Appointed by Mayor, confirmed by Council.....	371
Qualifications	371-372
Shall give bond.....	372
Duties and powers of.....	373
Executive officer of Board of Health.....	373, 392
May prescribe duties of certain officers.....	374-382
Salary of	383
Ex-officio member of Board of Health.....	388
Shall execute and enforce orders of Board of Health.....	396
Shall supervise work of Health Department.....	396
Shall visit market house, markets, stock yards, slaughter houses, restaurants, bakeries, etc.....	396
Shall make special investigations and report to Mayor and Board of Health.....	396
Other duties	396
Shall supervise laboratory and office work.....	397
Shall obtain certain reports.....	398
Shall grant or refuse permits to establish, etc., dairies, restaurants, bakeries, meat shops, or other business in- volving preparation, etc., of food.....	399
Nuisances, duties and powers with reference to.....	400
Shall revoke permits, when and how.....	401
Shall keep record of inspections and analyses.....	402
Shall visit public wards, hospitals, etc.....	403
Shall make monthly report to Board of Health.....	404
General duties	405
Shall keep vaccine, anti-toxin and serums.....	406
Duty to cause weeds, etc., in streets, etc., destroyed.....	428
May give notice to parties to clean closets, etc.....	472
Power to enter into and examine cellars, etc.....	474
Shall give notice to Medical Milk Commission, when.....	505
Permit from necessary to bring, etc., milk, etc., into City..	507
May require veterinary examination of milk cattle, when...	512 (b)
Publication of findings, duties with reference to.....	515
May give warning concerning certified milk, etc.....	516
May inspect premises manufacturing ice cream.....	524
Shall issue certificate of inspection, etc.....	524
Has right, etc., to condemn as unfit for consumption any meat, animal substance, fish, fruit, vegetables or other food product blown, meager, filthy, decomposed, diseased, putrid, decayed, unsound, unwholesome or unfit for con- sumption	539
Has power to enter buildings, rooms, basements or cellars occupied, etc., for sale, etc., of food, to inspect, etc.....	550
Upon discovery of certain conditions or facts concerning same, shall furnish evidence to City Attorney.....	550
May, as constructive measure, issue notice to abate condi- tion, etc.	550
Has power to enter stalls, etc., in City Market, to inspect premises, etc.	552
Shall furnish City Attorney with evidence concerning same, when	552
Duty of, upon finding milk, meat or other food, adulterated or detrimental to public health.....	560, 561
Permits to be issued by, for bringing into City for sale, etc., fresh meat, poultry, fish, ice cream, etc.....	563
Shall inspect slaughter houses, animals intended for slaugh- ter, carcasses of same and meats sold.....	564
Shall take or know that samples for inspection are repre- sentative	565
Unlawful to prevent from entering building, etc.....	567
Term, when used with reference to inspections, includes Inspectors, etc.	568
Shall issue burial permits.....	572
Shall issue death certificate, when.....	576
Shall keep record of births and deaths.....	578
Shall transmit original birth and death certificate to State Registrar of Vital Statistics.....	578
May recommend removal of human viscera, when.....	580, 581

HEALTH OFFICER, ASSISTANT—	Section
Member Health Department.....	369
Creation of office.....	370
Duties of	374
Salary of	383
HEATING—	
Rooms in film exchanges, where repairs, etc., done, how heated	260
HIGHWAYS—	
See Streets, Sidewalks, etc.	
HOBBY HORSES—	
Occupation tax for.....	1341 (j)
HOGS—	
See Animals; Chief of Police.	
HOOK WORM—	
See Physicians; Contagious Diseases; Principals; Teachers, etc.	
HORSE RACING—	
See Gaming; Pool Rooms; Sunday Law.	
HORSES—	
See Stables; Animals; Parks, etc.; Streets, Sidewalks, etc.; Public Peace and Order; Public Safety; Chief of Police; Public Pound; Traffic, Street.	
HOSPITALS—	
See Board of Health; Health Officer; Smallpox; Vital Statistics.	
HOTELS—	
See Garbage; Privies, Vaults, Closets, Cesspools, etc.; Contagious Diseases; Milk and Milk Products; Food Products.	
Unlawful to falsely register as husband and wife, at.....	792
HOUSES—	
See Contagious Diseases.	
HOUSE MOVING—	
See Ordinances omitted, etc.....	1521
HOUSES OF ILL-FAME—	
See Assignment Houses; Reservation; Prostitution; Public Morals and Decency; Houses of Prostitution.	
HOUSES OF PROSTITUTION—	
Unlawful for prostitute to occupy, etc., any house, etc., without certain limits.....	780
Unlawful to rent, etc., house, etc., for immoral purposes..	781
Unlawful for occupants of, to stand upon sidewalks, in front of, etc.....	782
Unlawful to carry on, etc., without the limits specified in Section 780	784
Mayor may order occupants of, to move.....	785
Mayor, etc., may close, etc.....	786
Unlawful to loiter, etc., in.....	788
HOUSTON LYCEUM AND CARNEGIE LIBRARY—	
City to appropriate \$4,000 annually.....	594
Disposition of moneys received.....	595
Hours to be kept open.....	596
No charge to be made for use of books.....	597
Books of account to be kept, etc.....	598
Library Committee, standing committee.....	599
HUCKSTERS—	
See Market House, etc.; City Market, etc.	
HYDRANTS—	
See Fire Hydrants; Streets, Sidewalks, etc.; Water Department.	
HYDROPHOBIA—	
See Animals.	
I	
ICE—	
See Weights and Measures.	
Venders of, to weigh at delivery.....	1509
Steelyards, etc., to be used in weighing.....	1509
To be sold by avoirdupois weight, unless.....	1509
Tongs used in delivering to be stamped with weight.....	1510

ICE CREAM—	Section
See City Chemist and Bacteriologist; Milk and Milk Products; Ice Cream, Regulating Manufacture, etc.; Cold Storage; Permits; Pure Food and Drugs; Milk and Food Products; Evidence.	
ICE CREAM, REGULATING MANUFACTURE, ETC.—	
See City Chemist and Bacteriologist.	
Unlawful to manufacture without license.....	519
License or certificate to be posted.....	521
Unlawful to purchase ice cream from establishment unless licensed	521
Unlawful to purchase ice cream from establishment unless license is posted.....	521
Application for inspection before embarking in business..	523
Requirements to be complied with before issuance of license	523
License may be cancelled.....	523
Inspections to be made monthly.....	524
Unlawful to conduct business without monthly inspection certificates	524
Ptomaine poisoning	525
Evidence sufficient to convict of ptomaine poisoning.....	526
ICE DEALERS, WHOLESALE—	
Occupation tax for.....	1341 (c-c)
INDECENT APPAREL—	
Wearing on streets, etc., an offense.....	794
Wearing dress of opposite sex, an offense.....	795
INDECENT EXPOSURE—	
Standing, etc., at door, etc., in indecent position, etc., an offense	794
Appearing in public nude, etc., an offense.....	795
INDIGENT PERSONS—	
Knowingly bringing into City, an offense.....	892
Unlawful for common carrier, etc., to bring into City.....	893
Failure of carriers, etc., to make proper inquiry, an offense	893
Definition of "Indigent Person".....	894
INFANTILE PARALYSIS—	
See Physicians; Contagious Diseases, Principals, Teachers, etc.	
INFANTS—	
See Physicians; Midwives; Contagious Diseases.	
INFECTIOUS, ETC., DISEASES—	
See Communicable Diseases; Contagious Diseases; Physicians; Swimming Pools and Natatoriums; Milk and Milk Products; Food Products.	
Physicians shall report to Health Officer within three hours	497
Hotels, boarding houses and lodging house keepers must give immediate notice of to Health Officer.....	498
Persons afflicted with shall not be removed without permission of Health Officer.....	498
Persons infected with or exposed to danger from must obey commands of Health Officer.....	499
INFLAMMABLE SUBSTANCES—	
See Explosives, Inflammables, etc.	
INSPECTION AND INSPECTIONS—	
See Board of Censors; Chimneys and Flues; Electrical Department; Engineering Department; Explosives, Inflammables, etc.; Chief of Fire Department; Fire Marshal; Board of Harbor Commissioners; Market House, etc.; Market Master; Pawn Brokers, Second-hand and Junk Dealers; Gas; Electric Light and Power; Sewers, Plumbing, etc.; Steam Boilers and Elevators; Water Department; Weights and Measures; Health Officer; Sanitary Inspectors; Board of Health; Milk Inspector; City Chemist and Bacteriologist; Milk and Milk Products; Milk and Food Products; Food Products; Pure Food and Drugs; Ice Cream, Regulating Manufacture, etc.; City Market, etc.	
INSPECTORS—	
See Chimneys and Flues; Chief Plumbing Inspector; Chief Sanitary Inspector; Sanitary Inspectors; Milk Inspector; Quarantine Inspector.	
INSURANCE ADJUSTER AND GENERAL AGENTS—	
Occupation tax for.....	1341 (t)

INTERMENTS—	Section
See Burials.	
INTERURBAN CARS—	
Shall be cleaned daily.....	459
Shall be kept in sanitary condition.....	459
INTRUSION—	
Entering, etc., theatre, etc., without payment of admission fee, etc., unlawful.....	837
Loitering upon premises of another.....	838
To be found on premises of another at night, when an offense	839
Entering dwelling, etc., for unlawful purpose, an offense..	840
INVALIDS—	
Duty of carriages for hire to carry, etc.....	85
ITINERANT MERCHANTS—	
Occupation tax for.....	1341 (a)
ITINERANT PHYSICIANS—	
Occupation tax for.....	1341 (f)
J	
JANITORS—	
At school buildings, vested with police power	965
Powers of, at school buildings.....	966
No additional salary.....	967
No bond	968
JOURNEYMAN ELECTRICIAN—	
See Electrical Department.	
JUDGE OF CORPORATION COURT—	
See Corporation Court; Milk and Food Products.	
JUDGMENTS, TAX—	
May be transferred	1414
Mayor to be furnished duplicate receipt.....	1415
Must pay court costs before transfer.....	1416
JUMPING CARS—	
Unlawful to jump on, etc., electric cars, when.....	1143
JUMPING TRAINS—	
Jumping on, etc., railway engines, etc., prohibited.....	1024
JUNK DEALERS—	
See Pawn Brokers, Second-hand and Junk Dealers.	
JURORS—	
See Corporation Court.	
K	
KEROSENE OIL—	
See Explosives, Inflammables, etc.	
L	
LABELS—	
See Cold Storage; Pure Food and Drugs; Milk and Milk Products.	
LABORATORY—	
See Health Officer.	
LABOR—	
What constitutes a day's.....	587
Ordinances concerning to be condition of contracts, etc....	588
Unlawful to, on Sunday.....	851
Exemptions from Sunday law.....	852
LABORERS—	
See Labor.	
LADDERMEN—	
See Fire Department.	
LAMPS AND CANDLES—	
See Lights.	
LAND AND TAX COMMISSIONER—	
See Taxes and Taxation.	
LATERAL SEWERS—	
See Sewers, Plumbing, etc.	

LATERAL WATER PIPES—	Section
See Water Department.	
LAVATORY—	
See Food Products.	
LEGAL DEPARTMENT—	
City Attorney, how appointed, etc.....	590
City Attorney, duties of.....	591
City Attorney, salary.....	592
Assistants to City Attorney.....	593
LEVIES—	
See Taxes and Taxation.	
LEWD CONDUCT—	
Unlawful in public parks, etc.....	677
In public, etc., an offense.....	794
Appearing in public in lewd manner, etc.....	795
Indecent exposure of person, etc., an offense.....	796
LEWD WOMAN—	
Unlawful for, to wander about streets, etc.....	778
Unlawful for, to ply vocation of prostitute, etc.....	779
Unlawful to occupy, etc., house, etc., without certain limits	780
Standing of, on sidewalks in front, etc., premises, prohibited	782
Unlawful for, to frequent coffee houses, etc.....	783, 789
Unlawful to permit any, to frequent coffee houses, etc.....	790
Accompanying, on streets, etc., an offense.....	793
LIBRARIES—	
See Houston Lyceum and Carnegie Library; Contagious Diseases.	
LICENSE FEE—	
Additional, by Southwestern Tel. & Tel. Co.....	993
LICENSES—	
See Moving Picture Shows; Theatres, etc.; Automobiles; Carriers; Board of Examiners for Electricians; Electrical Department; Board of Harbor Commissioners; Health Officer; Saloons; Board of Examiners for Plumbers; Board of Examiners for Stationary Engineers; Bill Posting; Occupation Taxes; Dogs; Public Pound.	
LIENS—	
See Taxes and Taxation.	
LIEUTENANTS—	
See Police Department; Fire Department.	
LIGHTNING ROD AGENTS—	
Occupation tax for.....	1341 (u)
LIGHTING—	
See Explosives, Inflammables, etc. (Nitro Cellulose Films).	
LIGHTS—	
See Openings in Streets; Streets, Sidewalks, etc.; Traffic, Street; Stables; Railways.	
LINEAR MEASURE—	
See Weights and Measures.	
LINEMEN—	
See Telegraphs; Telephones; Electric Light and Power.	
LIQUIDS—	
See Explosives, Inflammables, etc.	
Unlawful to throw upon persons, etc.....	832
LIQUOR—	
See Saloons, Regulations, etc.; Occupation Taxes.	
Shall not be sold, etc., in Market Building.....	623
LIVERYMEN—	
See Livery Stables.	
LIVERY STABLES—	
See Stables.	
Unlawful to keep, etc., upon pavement, etc., animal, etc....	1309
LIVE STOCK—	
See Animals; Traffic, Street.	
Unlawful to display for sale, etc., on streets.....	868
LOCOMOTIVES—	
See Railways.	
LODGING HOUSES—	
See Garbage; Privies, etc.; Contagious Diseases; Milk and Milk Products.	
Unlawful to falsely register as husband and wife at.....	792

		Section
LOITERING—		
Unlawful to loiter, etc., in disorderly house, etc.....		788
About premises of another, an offense, when.....		838
In, etc., pool rooms, unlawful.....		884
Around saloons in residence district, etc.....		1053
Proprietor permitting, around saloon in residence district, etc., guilty		1055
Saloon in residence district defined.....		1056
In saloon, etc., on Sunday, unlawful.....		1059
In saloons, not licensed, unlawful.....		1069
On sidewalks, etc.....		1302 (23)
In, etc., Market House, prohibited.....		619
LOTS AND BLOCKS—		
See Subdivisions; City Engineer; Grounds.		
LOTS, VACANT—		
See Grounds.		
M		
MALICIOUS MISCHIEF—		
Breaking, etc., any gate, etc., an offense.....		836
Taking down, etc., any signboard, etc., an offense.....		836
Turning on, etc., gas in gas pipe, etc.....		980
Destroying, etc., gas property.....		980
Injuring machinery, etc., of Gas Company.....		981
Interfering with gas meters.....		982
Tampering with, etc., poles, etc., of Electric Light Company		987
MAIN STREET—		
See Traffic, Street; Animals; Vehicles; Carriers.		
MALICIOUS PROSECUTION—		
Causing arrest, etc., on malicious, etc., charge, an offense..		827
MANAGERS—		
See Corporations.		
MANHOLES—		
See City Electrician; Sewers, Plumbing, etc.		
MANUFACTORIES—		
See Buffalo Bayou; Ice Cream, Regulations, etc.; Food Products.		
MANURE—		
See Stables.		
Accumulation of, when a nuisance.....		417
Shall be removed from stables twice each week.....		432
Shall not be allowed to accumulate so as to become a nuisance		432
Shall not be thrown, etc., in alleys, etc.....		432
Persons hauling through streets shall not permit to litter..		434
Shall not be permitted to accumulate so as to become offensive, etc.		440
MAPS—		
Companies using streets, etc., for underground purposes, to file with City Electrician.....		205
Persons, etc., shall accompany application to place wires, etc., with plat.....		212
To be filed before right of way granted to Railway Company		239
Made by City Engineer, etc., property of City.....		243
W. E. Woods' map confirmed, etc.....		235
Applications to make street openings to be accompanied by plat		1191
Persons, etc., owning pipes, etc., under surface of streets, etc., to file with City Engineer.....		1205
MARKET HOUSE, ETC.—		
See City Markets, Sanitary Conditions.		
Creation, government, etc.....		600
Market hours; penalties for violating.....		601
Preston Avenue, etc., additional places for sale, etc.....		602
Market Master, etc., to have control of such streets, etc....		603
Wagons, etc., used on such streets, etc., how constructed...		604
Market Master may refuse privileges.....		604
Unlawful to sell between certain hours on said streets, etc.		605
Unlawful to place any wagon, etc., when and how.....		605
Hours for cleaning fish.....		607
Refuse matter from fish must be removed, etc.....		608
Unlawful to sublet, etc., stalls, etc.....		610
Aisles, etc., to be kept clear.....		611

MARKET HOUSE, ETC.—Continued—		Section
What may be sold during market hours.....		612
Rates at which stalls, etc., shall be rented.....		613
Peddlers, etc., of fruit, etc., prohibited from selling on streets within six blocks of.....		614
During certain months, meat may be left in market.....		615
License of does not authorize peddling.....		616
During market hours, market license must be paid, by whom		617
Occupants of stalls, etc., shall return same, etc., in good condition		618
Stalls, etc., must be cleaned, when.....		619
Loitering, etc., in stalls, etc.....		619
Unwholesome meat, etc., shall not be sold, etc., in.....		620
Certain articles, etc., shall not be sold, etc., in.....		620
Riding, etc., of horses, etc., in, etc., prohibited.....		621
Other acts prohibited.....		621
Unlawful to sell liquor in.....		622
Structures in, erected only with permission.....		623
Offal, etc., to be deposited, etc., in receptacles.....		624
Removal of offal, etc., and keeping of receptacles.....		625
Unnecessary articles prohibited in.....		626
Occupants, etc., shall pay for additions, etc., allowed.....		627
Unlawful to hitch, etc., animals to awnings, etc.....		628
Cursing, etc., about, etc., unlawful.....		629
Standing in doorways, etc., unlawful.....		630
Dress of butchers, etc.....		631
Injuring, etc., unlawful.....		632
Coffee stands, etc.....		633
Character of goods, etc., to be kept in.....		634
Market Master to furnish receipts, etc.....		636
Receipt to be posted, etc.....		637
Duties of officers with reference to receipt.....		638
MARKET MASTER—		
Creation of office, duties, etc.....		639
Shall have charge, etc., of Market House building.....		640
Shall see that Market House, etc., is swept, etc., daily....		641
Shall give bond.....		642
Suspension for neglect, etc.....		643
Shall have police power.....		644
Office hours of; shall personally attend.....		645
Unlawful to pursue other occupation.....		646
Hours for inspection of country produce, etc.....		648
Shall issue certificate of inspection.....		649
Duty to inspect stocks of goods being peddled.....		650
MARKETS—		
See City Markets; Market House, etc.; Market Master; Cold Storage; Food Products; Pure Food and Drugs; Health Officer; Board of Health; Butcher Shops.		
MASKED BALLS—		
Unlawful to conduct, etc., without permit.....		34
MASTER ELECTRICIAN—		
See Definitions; Electrical Department; Board of Examiners for Electricians.		
MASTER PLUMBER—		
See Sewers, Plumbing, etc.; Board of Examiners for Plumbers.		
MAYOR—		
See various Departments and Offices.		
MAYOR AND CITY COUNCIL—		
See City Council.		
MEASLES—		
See Physicians; Contagious Diseases; Board of Health; Principals, Teachers, etc.; Food Products.		
MEASURES—		
See Weights and Measures.		
MEAT—		
See City Chemist and Bacteriologist; City Markets; Cold Storage; Milk and Food Products; Food Products; Butcher Shops; Market House, etc.; Health Officer.		
MEAT SHOPS—		
See Butcher Shops; Meat.		
Health Officer may grant, etc., permits to establish.....		399

MEDICINES—	Section
See Patent Medicines.	
MEDICINE SHOW—	
Occupation tax for.....	1341 (h-h)
MEETINGS—	
See City Council; various Boards; Streets, Sidewalks, etc.; Public Parks, etc.	
MENAGERIE—	
Occupation tax for.....	1341 (o), 1341 (r)
MENINGITIS—	
See City Chemist and Bacteriologist; Physicians; Conta- gious Diseases; Placards; Principals, Teachers, etc.; Milk and Milk Products.	
MERCHANDISE—	
See Weights and Measures.	
MERCHANDISE BROKERS—	
Occupation tax for.....	1341 (i-i)
MERCHANTS—	
See Itinerant Merchants.	
METAL CONDUITS—	
See Electrical Department.	
METERS, GAS—	
Testing of	974 (5)
No general charge for.....	976
Interfering with	982
METERS, ELECTRIC—	
See City Electrician.	
Testing of	983 (5)
METERS, WATER—	
Testing of	1460-1463
Charges for rental of.....	1467
Connections larger than one inch, metered, etc., at expense of owner	1468
To remain property of City.....	1469
Unlawful to interfere with.....	1469
MIDWIVES—	
See Vital Statistics.	
Shall register names with Health Officer.....	479
MILK DEALERS—	
See Dairies and Dairymen.	
MILK INSPECTOR—	
Member Health Department.....	369
Creation of office.....	370
Duties of	376
Salary of	383
Acting under Health Officer, to issue permits to persons selling milk, etc.....	512
May require veterinary examination, etc., of milk cattle...	512 (b)
Shall cause animals with tuberculosis to be tagged, etc....	512 (c)
Shall give notice to dairymen of time for testing cattle....	512 (c)
MILK AND MILK PRODUCTS, REGULATING SALE—	
See City Chemist and Bacteriologist; Milk Inspector; Health Officer; Milk and Food Products, Regulating Sale.	
Unwholesome, watered, adulterated, reduced or changed, shall not be brought into, held, kept, or offered for sale in City	501
Persons shall not keep, have or offer for sale in City, except as provided by Ordinances.....	501
Meaning of "adulterated" and "unwholesome".....	502
Meaning of "cream".....	503
Sale of products from condensed milk, milk, skim milk and substitutes for albumen of cream, if labeled, not pro- hibited	503
Dealers in shall not sell, etc., milk from which cream has been removed, unless labeled.....	504
Dealers, restaurateurs, hotel keepers and others offering, etc., milk from which cream removed, must set forth in labels to consuming public.....	504
Dealers shall not sell skim milk having less casein and solids than unskimmed milk.....	504
Notice to be given by Health Officer when certified milk fails to conform to standard.....	505

MILK AND MILK PRODUCTS, REGULATING SALE—Continued—

	Section
Dairymen, etc., shall not sell, etc., as certified, milk not conforming to standard, when.....	505
Penalty for bringing, etc., milk or milk products, adulterated or misbranded.....	506
Dairymen, etc., twice convicted of selling watered milk, barred from holding permit.....	506

MILK AND MILK PRODUCTS, REGULATING SANITARY CONDITIONS, ETC.—

See City Chemist and Bacteriologist; Milk Inspector; Health Officer; Milk and Food Products, Regulating Sale; Contagious Diseases.

Permit from Milk Inspector prerequisite to bringing, etc., into City	507
Milk vehicles shall bear name of owner, etc.....	508
Grocers, bakers, restaurateurs, barkeepers and others having, etc., must keep name of person, etc., furnishing posted in conspicuous place, etc.....	509
They shall also keep cans, etc., in which kept, etc., clean, etc.	509
Samples of milk, etc., to be furnished Health Department on tender of market price.....	510
Bottles, etc., for receiving, etc., shall not be removed from house placarded for contagious diseases, unless disinfected as directed by Health Officer.....	511
Persons suffering from, etc., diphtheria, scarlet fever, erysipelas, cerebro spinal meningitis, smallpox, or other dangerous contagious disease, not allowed to work, etc., about dairy	511
Permits shall be issued without charge.....	512
Permits shall apply to all dairies, etc., producing milk for sale in City.....	512
Milk Inspector to issue permits.....	512
Milk Inspector to see no milk is sold without permit.....	512
Permits, how often and when required.....	512
Permits shall not be issued unless certificate furnished, etc.	512
Contents of certificate.....	512 (a)
Examination and inspection of dairy cattle may be required	512 (b)
How examination and inspection made.....	512 (b)
Refusal or revocation of permit in case of secret injection of tuberculin, etc.....	512 (b)
Tagging and isolation of diseased cattle from dairy herd...	512 (b)
Tested herd, what are, and effect.....	512 (b)
Milk Inspector shall have notice before a test of cattle is made	512 (c)
Milk Inspector, etc., has right to be present at test.....	512 (c)
Veterinarian making test shall file record with Milk Inspector	512 (c)
At test, animals showing tuberculosis to be tagged, etc.....	512 (c)
Milk Inspector shall give notice of time within which tests shall be made.....	512 (c)
When a permit shall not be issued to a dairy.....	512 (d)
Permits may be revoked, when.....	512 (d)
Permits refused when inspection by Board of Health, etc., refused	512 (e)
Before revoking a permit in such case, hearing to be given	512 (e)
In case of appeal to courts, where contagious, etc., disease, after notice, permit shall be temporarily revoked.....	512 (e)
Cleanliness of hands, etc., of milkers, etc., to be maintained	512 (f)
Receptacles, etc., cleaned, how.....	512 (f)
Cows to be kept clean.....	512 (g)
Cleaning of teats, etc.....	512 (g)
Receptacles for reception, etc., cleanliness and care of....	512 (h)
Health Officer to be notified of contagious, etc., disease among cows	512 (i)
Cows to be isolated, etc.....	512 (i)
Milk dealers, restaurateurs, hotel keepers, barkeepers and others keeping for sale, shall keep, how.....	513
Consumer shall not deliver back an unclean bottle.....	513
Bottles, etc., received from patrons shall not be refilled until cleaned, etc.....	513
Physicians shall report communicable diseases in dairyman's, etc., family.....	514
Publication of findings of examination of.....	515
Six examinations monthly of certified milk.....	515
Bacteriological counts where milk obtained.....	516

MILK AND MILK PRODUCTS, REGULATING SANITARY CONDITIONS, ETC.—Continued—		Section
Warnings of Health Officer in case of contagious disease, etc.	516	
How samples of taken.....	517	
Penalty for violations of Ordinances concerning.....	518	
MILK AND FOOD PRODUCTS, CONDEMNATION OF—		
See City Chemist and Bacteriologist; Milk Inspector; Health Officer; Milk and Milk Products; Contagious Diseases.		
Publication of findings of examinations of.....	515	
Milk, meat or other food adulterated or detrimental to public health, to be tagged, etc.....	560	
Unlawful to dispose of when so tagged, etc.....	560	
Notice to be borne by tag.....	561	
Procedure to condemn.....	561	
Disposition of, if finding with Health Officer.....	562	
MILK VEHICLES—		
Shall bear name of owner, number of license, etc.....	508	
MINORS—		
Selling, etc., liquors to, an offense.....	1050 (a)	
MISSILES—		
Hurling, etc., an offense.....	929	
Discharging gravel, etc., out of gravel shooter, etc.....	930	
MONEYS—		
See various Departments; Chapter VI, Revised Code 1904, omitted; Public Pound; Chief of Police.		
MONTGOMERY AVENUE—		
Name changed to North Main Street.....	1335	
MORTAR—		
Unlawful to mix upon street.....	1307	
MOSQUITOES—		
See Grounds; Cisterns; Stagnant Water.		
MOTORMAN—		
Unlawful to interfere with, etc.....	1142	
MOVING HOUSES—		
See Ordinances regulating, omitted.		
MOVING PICTURE MACHINES—		
Definition of "Picture Machine".....	2	
Must conform to Ordinances.....	3	
Shall be enclosed in metal booth, etc.....	4	
Fixtures, etc., to be of non-combustible material.....	5	
Ventilation of booth.....	6	
Entrance door to booth, how constructed.....	7	
Electric wiring; switches; exit signs.....	8	
Incombustible magazines; condensers; films not in machine	9	
Operator; age of.....	10	
Prohibitions, etc., as to installation, etc.....	11	
MOVING PICTURE SHOWS AND ROOMS—		
See Moving Picture Machines; Moving Picture Film Exchange.		
Permit must be secured before opening.....	13	
Exits from exhibition rooms; other arrangements.....	14	
Penalty	15	
MOVING PICTURE FILM EXCHANGE—		
See Moving Picture Machines; Moving Picture Shows; Explosives, Inflammables, etc.		
Must comply with requirements of Ordinances.....	251	
Storage	252	
Vaults, in buildings of non-fireproof construction.....	253 (a)	
Vaults, in fireproof buildings.....	253 (b)	
Safes	254	
Ventilation of vaults and safes.....	255	
Examining and repairing.....	256	
Waste cans	257	
Cement	258	
Lighting	259	
Heating	260	
Smoking in room containing films, prohibited.....	261	
Fire protection equipment.....	262	
Not complying with the Ordinances, a nuisance.....	264	
MULES—		
See Animals; Stables; Public Pound; Chief of Police.		

MUSIC—

See Bands of Music.

N

Section

NAME—

See False Name.

NATIONAL ELECTRIC CODE—

See Electrical Department; City Electrician.

NEGLIGENCE—

See Drivers; Traffic, Street.

NEGROES—

Street railways must provide separate compartments for..	1150
Cars, how divided, etc.....	1160
Term "Negro" defined.....	1161
Conductor shall have right to refuse passage, when.....	1163
Nurses not included.....	1165
Exclusively duty of Conductor to shift screens.....	1171
Conductor to report persons shifting screens.....	1172
Power of Conductor over screens and passengers.....	1173

NIGGER SHOOTERS—

Use of, etc., prohibited.....	929
-------------------------------	-----

NIGHT SOIL—

See City Scavenger; Board of Health; Health Officer; Sanitary Inspectors.

Residents, householders, tenants, hotel keepers, agents and other persons shall not deposit in garbage vessels, etc..	439
Unlawful for anyone except City Scavenger to remove.....	467
Fees for removal.....	468
Notice to pay fees.....	468
Penalty for failure to pay within five days.....	469
Penalty for failure to pay fees.....	470
City Scavenger may look to landlord.....	471
Removal of to be between sunset and sunrise.....	477
Duty of Scavenger to remove upon tender of fees.....	478

NINE AND TEN PIN ALLEYS—

Occupation tax for.....	1341 (i)
-------------------------	----------

NITRO CELLULOSE FILMS—

See Moving Picture Film Exchanges.

NITRO GLYCERINE—

See Explosives, Inflammables, etc.

NOISE—

Certain contrivances creating unusual, prohibited.....	833
Boisterous talking, etc., prohibited, where.....	843
Disturbing public worship, etc., by, prohibited.....	844

NUISANCES—

See Stables; Barber Shops; Garbage; Swimming Pools and Natatoriums; Street Cars; Privies, etc.; Milk and Milk Products; Food Products; Moving Picture Film Exchanges; Bill Posting; Fountains.

Board of Health shall make orders for suppression and abatement of	389
Duty of Board of Health to prevent, abate and suppress...	395
Duty and power of Health Officer with reference to.....	400
General definition of what constitutes a nuisance.....	410
Deposition or accumulation of foul, decaying or putrescent substances or other offensive matter constitutes a nuisance, in, etc., lot, etc.....	411
Overflow of foul liquids, escape of gases, when a nuisance	411
Polluted wells, when.....	412
Privies, etc., when.....	413
Buildings, rooms, when.....	416
Cellars, when	415
Accumulation of manure, when.....	417
Accumulation of water, when.....	418
Roller towels, when.....	419
Slopping, etc., cattle, etc., on distillery swill, when.....	420
Penalty for causing, etc.....	421
Burial in Potter's Field.....	422
Stagnant water standing, etc., on yards, etc., when.....	424
Cisterns, etc., when.....	425
Failure to keep lots, etc., free from grass, etc.....	427
Spitting on sidewalks, etc.....	429

O

OATHS OF OFFICE—	
See various Departments and Officers.	
OATS—	
See Weights and Measures.	
OBSTRUCTIONS—	
See Sewers, Plumbing, etc.; Streets, Sidewalks, etc.	
OCCUPATION TAXES—	
See Taxes and Taxation.	
OFFERING FOR SALE—	
What is deemed.....	570
OFFICERS—	
See various Departments and Officers named specifically in this Index.	
Resisting or interfering with.....	829
OFFICIAL BALLOT—	
See Elections.	
OIL—	
See Buffalo Bayou; Explosives, Inflammables, etc.	
OPENINGS IN STREETS—	
See Streets, Sidewalks, etc.; Sewers, Plumbing, etc.; various Public Service Corporations.	
Unlawful to make without permit.....	1189
Mayor must approve for main, etc., trunk pipes, etc.....	1190
Written application for permit to make must be filed, etc..	1191
Unlawful to make other than shown, etc., on application, etc.	1192
Permit to make, not exclusive grant.....	1193
Policy of City to require laying of pipes, etc., prior to paving	1194
Deposits required for.....	1195
Action of City Engineer on application for permit for....	1195
Permit for not transferable.....	1195
Crossings and signals to be maintained.....	1196
Free access to fire hydrants, etc., to be provided.....	1197
Disposition of excavated material, etc.....	1197
Barriers and signals shall be maintained at, etc.....	1198
Refilling; notice from City Engineer to refill, etc.....	1199
Refilling by City Engineer.....	1199
Manner of refilling.....	1200
Refilling to be held guaranteed for one year.....	1201
City Engineer to give notice to repair, when.....	1201
Disposition of money deposits.....	1202
Additional permits not given, if not satisfactorily refilled..	1202
Cost of refilling by City Engineer.....	1202
All work of, done under supervision, etc., of City Engineer	1203
Unlawful to install certain pipes, etc., in streets, etc., at less depth than two feet.....	1204
Maps to be filed by certain public service concerns.....	1205
Statements in writing must be filed, of abandoned pipes, etc	1205
Unlawful to make excavations, etc., for removal of soil, etc.	1206
Original permit or number to be kept at work, etc.....	1207
Provisions with reference to, do not apply to work under contract authorized by Council.....	1208
Provisions with reference to, do not apply to officers, etc., of City of Houston, etc.....	1209
Provisions with reference to, do not prohibit work to save life, etc.	1210
Penalty, in case of violation of provisions.....	1211
Permit fee	1212
Unlawful to dig holes in the streets, etc.....	1214
Leaving excavation in streets, etc., an offense.....	1246
Unlawful to dig ditch across street, etc., except.....	1238
Leaving excavation, etc., uncovered, etc., on premises, an offense	1935
OPIUM—	
Keeping resort, etc., for smoking, an offense.....	940
Renting premises for resort, etc., an offense.....	941
ORDERS—	
See Board of Health.	

ORDINANCES—

City Secretary to record all ordinances.....	118
Last passed prevail, in case of conflict, etc.....	1525
Certain, omitted from this Code.....	1521
Final Chapter, provisions with reference to Code.....	1520-1530

ORGANIZATIONS—

See Traffic, Street.

ORIGINAL SURVEYS—

Determined by survey of W. H. Griffin, recognized.....	235
W. E. Woods' map, etc., confirmed.....	235

P

PANORAMA—

Occupation tax for.....	1341 (g-g)
-------------------------	------------

PAPER—

See Explosives, Inflammables, etc.; Streets, Sidewalks, etc.

PARADES—

Unlawful without permit.....	1323
Unlawful for circus to parade between certain dates.....	1324

PARKS, ETC.—

Mayor to employ keeper and gardener.....	655
Keeper to live in park.....	656
Receipts of Sam Houston Park, how appropriated.....	657
Funds, how disbursed.....	658
Unlawful to do certain acts without permit.....	659
Unlawful to bring dogs into.....	661
Unlawful to tether, etc., cow, etc., in.....	662
Unlawful to lounge, etc., in.....	663
Unlawful to drive, etc., except on park drives, etc.....	665
Rate of speed in, unlawful to exceed.....	666
Unlawful to erect structures, etc., in, except.....	667
Unlawful to remove, etc., any structure, etc.....	668
Unlawful to allow dog, etc., to run at large, etc.....	670
Unlawful to walk, etc., on any border, etc.....	669
Unlawful to shoot, etc., firearms, etc.....	671
Unlawful to tease, etc., any animal, etc.....	672
Unlawful to be, etc., a solicitor, etc., in.....	673
Unlawful to hold public meeting, etc., in, without written permission from Council.....	674
Unlawful to hitch horse, etc., to any tree, etc., except.....	675
Unlawful to allow horses, etc., to remain unhitched, etc....	675
Unlawful to conduct game of chance.....	676
Unlawful to carry on boisterous, etc., language, etc.....	677
Unlawful for intoxicated person to enter, etc.....	678
Unlawful to ride bicycle, etc., through, except.....	679
Unlawful to play certain games, etc., except.....	680
Employees, etc., to have police power.....	682
Tying animals to, etc., shade trees, an offense.....	684
Unlawful to sleep on Court House Square, etc.....	685
Destroying, etc., trees, etc., an offense.....	686

PASSENGERS—

See Carriers; Street Railways.

PATENT MEDICINES—

Throwing into private yards, etc., prohibited.....	941 (a)
Occupation tax for traveling venders of.....	1341 (h)

PATHOLOGIST—

See City Chemist and Bacteriologist.

PAUPERS—

See Indigent Persons.

PAWNBROKERS, SECOND-HAND AND JUNK DEALERS—

Mayor shall purchase books for use of pawnbrokers.....	687
Pawnbrokers, etc., shall keep record, etc.....	687
Record of shall be open to inspection, etc.....	687
Stock shall be open to examination.....	688
Record books shall be furnished free.....	689
Record of pawnbrokers, etc., shall contain full description, etc.....	690
Unlawful for pawnbrokers, etc., to purchase from minors..	692
Written consent of parent, etc., a defense.....	693
Duty of junk dealers.....	695
Junk dealers must provide record book.....	696
Record book shall contain full description of property, etc..	696

PAWNBROKERS, SECOND-HAND AND JUNK DEALERS—	
Continued—	Section
Unlawful to act as agent, etc., for person, etc., not keeping record	697
Record book of junk dealers open to inspection.....	698
Record book to show description, etc.....	699
Record book to show price paid.....	670
Junk shall be kept separate for two days.....	701
Record book shall show name of purchaser.....	702
Junk defined to include garden hose, etc.....	703
Scrap iron not included.....	704
Occupation tax for pawnbrokers.....	1341 (w)
PEACE OFFICERS—	
See Policemen; Vital Statistics.	
PEDESTRIANS—	
See Fire Department; Traffic, Street.	
PEDDLERS—	
See Market House; Parks, etc.; Streets, Sidewalks, etc.	
Occupation tax for.....	1341 (k)
Occupation tax for clock peddlers, etc.....	1341 (l)
PELLAGRA—	
See Contagious Diseases; Principals, Teachers, etc.	
PENALTIES—	
For non-compliance with regulations for moving picture machines	12
For non-compliance with regulations for moving picture shows and rooms.....	15
For failure to obtain permit for theatre, etc.....	21
For failure to keep aisles of theatres, etc., clear.....	22
For constructing theatre contrary to Ordinances.....	24
For constructing theatre contrary to plans, etc., submitted for permit	25
For smoking in theatre, etc.....	28
For using oil stove, etc., in theatre.....	29
For using stove, etc., in theatre, unless approved.....	30
For failing to keep, etc., in theatre, etc., fire extinguishers..	31
For sleeping in theatre, etc.....	32
For holding masked ball, etc., without permit.....	36
For entering, etc., masked ball, etc., not duly authorized...	36
For failing, etc., to furnish clean programs at theatres....	36b
For failing, etc., to close entertainments, after notification	40
For contaminating water of Buffalo Bayou above, etc.....	54
For bathing in bayous.....	55
For depositing refuse, etc., along margin of Buffalo Bayou.	57
For discharging refuse oils, etc., into, etc., bayous.....	61
For filling in, etc., bayous.....	63
For failure to register, etc., automobiles, etc.....	46
For failure to comply with certain Sections regulating automobiles, etc.	50
For refusal by carrier to carry, etc.....	73
For failure to have card showing rates, etc.....	78
For failure of passenger to pay legal fare.....	79
For refusal of driver, etc., to carry passenger, etc.....	80
For violation of Ordinances affecting carriers, where no other penalty provided.....	84
For failure to carry invalids.....	86
For unlawfully soliciting custom, etc., at depots.....	90
For violating Ordinances with reference to hack stands, etc.	101
For failure, etc., to rebuild, etc., chimneys and flues.....	102
For using soft coal, etc., under certain conditions.....	105
For failure to provide smoke and soot consumers, etc.....	108
For failure to comply with notice of City Electrician.....	194
For violation of Ordinances as to electrical construction, etc.	203
For violation of Chapter, "Electrical Department," where no other penalty provided.....	218
For altering, etc., monuments, etc.....	236
For making certain improvements without permit.....	242
For violation of Ordinances regulating laying out of subdivisions, etc.	250
For failure to provide vaults, etc., for storage of moving picture films, etc.....	263
For storing, etc., gasoline, etc., in violation of Ordinances..	272
For storing, etc., calcium carbide in violation of Ordinance.	277
For storing, etc., oil, etc., in violation of Ordinances.....	290
For allowing oil to drip on asphalt streets.....	292

PENALTIES—(Continued)—		Section
For unlawfully storing, etc., gunpowder, etc.....		298
For storing, etc., cotton in violation of Ordinances.....		302
For storing boxes, etc., in certain places.....		304
For occupying as dwellings, buildings used for storage of certain articles		305
For failure to abate nuisance condemned by Chief of Fire Department		307
For carelessly storing hay, etc.....		308
For burning trash, etc., in streets, etc.....		309
For failure to comply with orders of Fire Department.....		329
For injuring fire alarm apparatus.....		330
For driving across fire hose.....		331
For giving false alarm of fire.....		332
For failure to comply with provisions of Ordinances giving right of way, etc., to Fire Department.....		337
For interference with Fire Department.....		339
For failure to obey subpoenas, etc., of Board of Harbor Commissioners		357
For failure to comply with Ordinances creating, etc., Harbor Department		362
For causing, etc., a nuisance.....		421
For burial in Potter's Field.....		422
For stagnant water in yards, etc.....		424
For failing to screen cisterns, etc.....		425
For failing to cut grass, etc.....		427
For spitting on sidewalks.....		430
For violation of Ordinances concerning stables.....		435
For violation of Ordinances concerning barber shops.....		437
For violation of Ordinances concerning garbage, etc.....		443
For violation of Ordinances concerning removal by garbage collector		445
For failure to pay fee for removing excess garbage.....		447
For hauling slops between certain hours.....		448
For violation of Ordinances concerning swimming pools, etc.		458
For violation of Ordinances concerning street cars, etc.....		459
For violation of Ordinances concerning sewer connections..		461
For violation of Ordinances concerning privies, etc.....		465
For violation of Ordinances concerning removal of night soil, etc.		472
For failure to obey orders of City Scavenger.....		476
For violation by City Scavenger, etc., of Ordinance fixing hours for removal of night soil, etc.....		477
For violation of Ordinances concerning registration by physicians, etc.		479
For violation Ordinances concerning contagious diseases, etc.		496
For failure to keep guard on premises where smallpox.....		485
For failure of physician to report cases of contagious, etc., disease to Health Officer.....		497
For failure of hotel keepers, etc., to report cases of contagious, etc., diseases to Health Officer.....		498
For failure of persons infected, etc., with contagious disease, etc., to obey Health Officer.....		500
For violation of Ordinances regulating sale of milk, etc...		506
For violation of Ordinances regulating sanitary conditions, etc., of milk, etc.....		518
For violation of Ordinances requiring permit to manufacture ice cream.....		520
For violation of Ordinances requiring certificate of Health Officer to manufacture ice cream to be posted.....		522
For violation of Ordinances regulating manufacture of ice cream		523
For causing ptomaine poisoning.....		525
For violation of Ordinances relating to pure food and drugs		538
For failure of Health Officer, etc., to condemn meat, etc...		539
For bringing diseased animals into City, etc.....		541
For violation of Ordinances regulating sanitary conditions, etc., of food products.....		552
For violation of Ordinances regulating sanitary conditions, etc., of City Market, etc.....		553
For violation of Ordinances regulating cold storage.....		559
For removing, etc., milk, etc., tagged, etc., or adulterated, etc.		560
For bringing fresh meat, etc., into City without permit from Health Officer		563

PENALTIES—(Continued)—	Section
For preventing Board of Health, etc., from entering building, etc.	567
For failure to report births and deaths.	571
For failure to file death certificate.	572
For failure to require burial permit before interment, etc.	573-574
For failure to fill out questions in death certificate.	575
For failure to keep certain records of vital statistics.	584-586
For violation of Labor Ordinances.	589
For violation of Ordinances fixing market hours.	601
For unlawfully selling on streets, etc., abutting Market Square	606
For violating market regulations for cleaning, etc., fish.	609
For failure to comply with rules, etc., of Market Master.	635
For violation of Ordinances regulating Market House, etc.	638
For violation of Ordinances requiring inspection of country produce, etc.	652
For bringing vegetables, etc., into City in certain state.	654
For violation of certain rules, etc., relating to parks, etc.	660
For bringing dogs into parks, etc.	661
For tethering, etc., cows, etc., in parks, etc.	662
For lounging, etc., in parks, etc.	663
For violation of Ordinances with reference to Federal Square	664
For violation certain Sections for government of parks, etc.	681
For tying animals, etc., to shade trees in parks, etc.	683
For sleeping on Court House Square.	685
For destroying, etc., trees, etc., in public grounds, etc.	686
For failure by pawnbrokers, etc., to comply with certain Ordinances	691
For purchasing from minors, by pawnbrokers, etc.	694
For violation of certain Ordinances by junk dealers.	705
For failure, etc., to carry cases before Corporation Court.	765
For failure of policemen, etc., to turn over certain fees.	771
For keeping disorderly house.	777
For street walking, etc.	778
For plying vocation of prostitute.	779
For violation of certain Ordinances concerning prostitution	787
For loitering, etc., in disorderly house.	788
For violation of certain Ordinances concerning coffee houses, etc.	791
For falsely registering as husband and wife.	792
For accompanying lewd woman.	793
For wearing indecent apparel, or lewd conduct.	794
For appearing in public in state of nudity, etc.	795
For indecent exposure of person, etc.	796
For certain cruelty to animals.	797
For bringing diseased animals into City.	800
For selling diseased animals at auction.	801
For selling native birds, etc.	802
For catching wild birds, etc.	804
For giving false name, etc.	809
For peace officer in employ of City to receive, etc., false name, etc.	810
For fighting in public.	811
For disorderly conduct, etc., in public place.	812
For discharging firearms in City.	814
For simple assault.	826
For causing arrest, etc., on frivolous, etc., charge.	827
For inciting rescue or resistance to arrest.	828
For resisting, etc., an officer discharging his duty.	829
For refusing to assist an officer, etc.	830
For aiding prisoners to escape.	831
For throwing water, confetti, etc.	832
For using squawkers, etc.	833
For injuring, etc., buildings, etc.	834
For taking possession of dwelling house, etc., without permission	835
For malicious mischief, etc.	836
For unlawfully entering theatre, etc.	837
For loitering about premises, etc., of another.	838
For suspicious intrusion, etc.	839
For unlawful intrusion.	840
For disturbing females in public assembly, etc.	841
For making goo-goo eyes, etc.	842
For disorderly conduct in public assemblies, etc.	843
For disturbing public worship, etc.	844
For sleeping on streets, etc.	845

PENALTIES—(Continued)—	Section
For sprinkling foot crossings.....	846
For unlawfully playing music, by bands.....	849
For conversation with prisoners from outside of prison....	850
For working on Sunday.....	851
For horse racing, etc., on Sunday.....	853
For selling, etc., on Sunday.....	854
For permitting goats, etc., to run at large.....	855
For keeping pigeon house, etc.....	866
For allowing certain fowls to run at large.....	867
For unlawfully displaying live stock for sale on streets....	868a
For allowing stabled animals to create disturbance, etc....	869
For using animals, etc., without consent of owner, etc.....	872
For enticing person to bet, etc.....	873
For gaming with cards, etc.....	874
For violating Ordinances concerning policy games.....	881
For keeping, etc., pool room.....	883
For loitering, etc., in, etc., pool rooms.....	884
For assisting, etc., in keeping, etc., pool rooms.....	885
For furnishing, etc., to pool rooms, messages, etc.....	886
For permitting telegraph instruments, etc., in pool rooms..	887
For furnishing, etc., messages, etc., to pool rooms.....	888
For permitting telegraph wires, etc., to remain in pool rooms	889
For betting on horse races, except.....	890
For allowing State convicts to be employed in City, etc....	891
For bringing paupers into City.....	892
For bringing indigent persons into City.....	895
For circus exhibiting between certain dates.....	898
For collusion, etc., in bidding on public improvements....	900
For horse racing in City.....	903
For breaking horses, etc., on streets.....	904
For driving cattle through City.....	906
For allowing dogs to run at large, etc.....	915
For allowing dog afflicted with mange to run at large, etc..	917
For tying animals so they can get on sidewalks, etc.....	920
For driving animals over bridge faster than walk.....	921
For failure to comply with Ordinances in case of collision..	924
For driving through streets while intoxicated.....	924
For drivers failing to keep to the right.....	927
For riding bicycles at night, without lamp, etc.....	927
For wantonly causing collision, etc.....	928
For shooting air guns, etc., in City.....	929
For discharging missiles, etc.....	930
For carelessly using lights, etc., in stables, etc.....	931
For depositing ashes in or on wood, etc.....	932
For endangering cotton, etc.....	933
For refusing, etc., to remove dangerous structures, etc....	934
For leaving wells, etc., open and uncovered.....	935
For keeping barbed wire fences.....	937
For possession of burglarious instruments, etc.....	938
For being a tramp, etc.....	939
For keeping opium resorts.....	940
For renting premises for keeping opium resorts.....	941
For throwing patent medicines in private yards, etc.....	941b
For failing to furnish information to Public Service Com- missioner	970
For violating Ordinances in reference to Public Service Commissioner, where other penalty not provided.....	973
For violating certain Ordinances concerning gas.....	979
For meddling with gas property.....	980
For injuring gas property.....	981
For interfering with gas meters.....	982
For making excessive charge, electric light.....	985
For tampering with, etc., apparatus, etc., of Houston Light- ing and Power Company.....	988
For charging excessive tolls, etc., by telephone companies..	991
For failure by telephone companies to file reports, etc....	1002
For failure of railway company to provide flagmen, lights, etc., at crossings, etc.....	1010
For blocking crossings exceeding five minutes.....	1014
For blocking crossings, etc., by locomotives, etc., exceeding five minutes	1016a
For failure by railway companies to provide safeguards....	1018
For failure to maintain safeguards by railways.....	1020
For running trains on tracks not lighted, etc.....	1021
For breach of certain Ordinances affecting railways.....	1027

PENALTIES—(Continued)—	Section
For failure of railways to make certain repairs, etc.....	1034
For failure of railways to construct crossings over its road	1037
For blowing whistles exceeding five seconds, except.....	1038
For running locomotive exceeding six miles per hour.....	1039
For permitting locomotive, etc., to run without lights, etc..	1039
For unlawfully using Commerce Avenue.....	1040
For failure to clear certain crossings, etc.....	1044
For selling, etc., railroad tickets without license from rail- road	1045
For failure to show authority to sell tickets.....	1048
For failure of M. K. & T. R. R. Co. of Texas to stop trains at Houston Avenue crossing	1049
For failure of engine to stop at Pinckney Street.....	1050
For selling intoxicants to minors.....	1050a
For minors obtaining liquor by deception.....	1051
For aiding minors to obtain liquor by false statements....	1052
For loitering, etc., around saloons in residence districts....	1054
For permitting loitering, etc., around saloons in residence districts, etc.	1055
For purchasing liquor on Sunday.....	1057
For drinking liquor in, etc., saloon on Sunday.....	1058
For loitering, etc., in saloon on Sunday.....	1059
For buying, etc., liquor between certain hours, etc.....	1062
For conducting saloon without license.....	1064
For purchasing liquor at non-licensed saloon.....	1067
For drinking liquor in, etc., non-licensed saloon.....	1068
For congregating in, etc., non-licensed saloon.....	1069
For conducting saloon in certain district.....	1072
For sleeping in saloon, etc.....	1073
For violating "General Provisions" of Article concerning sewers, plumbing, etc.....	1093
For laying lateral sewers, etc., without complying with Ordinances	1103
For failure to provide two engineers for stationary engines, etc., run day and night.....	1112
For failure to have boilers tested before using.....	1113
For failure to have elevator inspected, etc.....	1120
For failure to have elevator repaired, etc., as required by Inspector	1121
For making change in elevator without notifying Inspector	1123
For constructing, etc., elevator without permit, etc.....	1124
For serving as engineer of boilers, etc., without license....	1131
For failure of street railway to put down grooved girder rails	1138
For interfering with motorman, etc.....	1142
For jumping off, etc., street cars.....	1144
For failure of street railway companies to comply with certain Ordinances	1149-50
For failure to keep bridges, etc., in repair.....	1153
For monopolizing end seats, etc.....	1156
For failure to vestibule street cars between certain dates..	1158
For failure of street railway to provide separate compart- ments	1162
For violation by passengers of separate compartment Ordi- nances	1164
For running cars with flat wheels.....	1168
For failure to water tracks.....	1170
For unauthorized persons to shift screens in street cars....	1171
For failure of Conductor to report persons shifting screens	1172
For failure, etc., to remove from seat, etc.....	1173
For smoking on street cars in violation of Ordinances.....	1177
For cutting belts on street railways.....	1179
For violation of Ordinances concerning giving of transfers by street railways.....	1185
For failure to keep supplied a sufficient number of books of transfers, etc.	1185a
For violation of Ordinances with reference to cuts and ex- cavations, etc.	1211
For digging holes in streets.....	1215
For changing or altering sidewalks, etc.....	1231
For violating certain provisions of Chapter 41, Art. 2, en- titled, "Construction, Repairs, etc.".....	1222
For telegraph, etc., company failing to keep deposit, etc..	1223
For construction, etc., sidewalk, etc., different from order..	1231
For violation of Ordinances providing for construction, etc., of sidewalks, etc.....	1235

PENALTIES—(Continued)—		Section
For digging ditch across street, etc.....	1238	
For unlawfully storing, etc., fruits, etc., on sidewalks.....	1238	
For permitting limbs, etc., of trees to be less than eight feet above sidewalks.....	1241	
For maintaining railings on sidewalks.....	1242	
For running wheelbarrows, etc., on sidewalks.....	1244	
For impeding passage of persons, etc., on streets.....	1245	
For endangering passage on streets, etc.....	1246	
For riding, etc., on sidewalks, etc.....	1247	
For tying animals to lamp posts, etc.....	1248	
For removing material from, etc., streets.....	1249	
For driving animals, etc., across ditches.....	1250	
For obstructing sidewalks.....	1252	
For hitching, etc., horses, etc., on certain portions of certain streets	1253	
For violating Ordinances creating stands for hay wagons..	1255	
For erecting, etc., swinging signs, etc.....	1257	
For violating Ordinances regulating advertising signs.....	1264	
For violating Ordinances regulating awnings, etc.....	1268	
For marring, etc., poles.....	1270	
For violation of Article entitled "Poles".....	1273	
For placing, etc., advertising matter on poles.....	1279	
For violation of Article entitled "Poles".....	1284	
For violation of Ordinances regulating bill posting.....	1297	
For violation of Article entitled "Traffic, Street".....	1305	
For injuring sidewalks, etc.....	1308	
For using tires of insufficient width, etc.....	1311	
For hauling gravel, etc., in improper wagon.....	1313	
For violating certain Sections concerning streets, etc.....	1317	
For throwing stable manure, etc., on sidewalks, etc.....	1318	
For fastening hand bills, etc., to poles, etc.....	1318	
For throwing trash, etc., on sidewalks.....	1321	
For permitting paper, etc., to remain in street.....	1321	
For conducting parades without permit.....	1323	
For conducting circus parade between certain dates.....	1325	
For permitting water from hydrant on sidewalk, etc.....	1328	
For discharging water from fountain, etc.....	1327	
For violation Ordinances concerning sweeping of sidewalks	1332	
For violation of Ordinance regulating use of Stuart Avenue, etc.	1333	
For removing landmarks, street signs, etc.....	1337	
For failure to pay occupation tax.....	1340a	
For failure to post occupation license.....	1343	
For failure to post conspicuously occupation license.....	1344	
For failure to comply with provisions with reference to obtaining license to sell liquor.....	1355	
For violation of Ordinances regulating Water Department..	1453	
For using water through fire plugs, etc.....	1457	
For interfering with water meters.....	1469	
For laying, etc., lateral water pipes without permit, etc...	1477	
For making connection with lateral water pipe without permit	1478	
For use of weights and measures before stamped.....	1491	
For selling, etc., in quantities of less weight, etc., than represented	1493	
For refusing to pay expense of re-weighing coal, etc.....	1508	
For selling, etc., fruits, etc., contrary to Chapter on weights and measures	1517	
For violation of Sec. 1518, with reference to certificates, etc.	1518	
For violation of provisions of Chapter entitled, "Weights and Measures," where no other.....	1519	
For violation of Ordinances, where penalty not provided..	1526	
PERFUMERY—		
Unlawful to throw perfumery, etc., on persons, etc.....	832	
PERMITS—		
See Licenses.		
For moving picture shows.....	13	
For theatres and public amusements.....	16	
For masked balls, etc.....	34	
For electrical construction, etc.....	192	
For erection, etc., of poles, etc.....	204	
For railway tracks.....	240	
For oil plant.....	239	
For gunpowder, etc.....	294	
For cotton	299	

PERMITS—Continued—	Section
For dairies, restaurants, bakeries, meat shops, and other businesses involving preparation, etc., of food.....	399
Health Officer may revoke, etc.....	401
For sale of milk, etc.....	512
Dairyman, etc., twice convicted of selling watered milk, barred from holding.....	506
Hearing on revocation of, for dairies, etc.....	512e
Temporary revocation of, for dairies, etc.....	516
For bringing fresh meat, poultry, fish, ice cream, or fresh meat or meat products, into City, or place where such articles are produced, etc., or soda fountains, pop or other bottling factory, or other places where foods are produced, etc.	563
Persons treating, etc., samples of milk or food taken by Health Officer, shall be refused.....	565
For burials, etc.....	573
For holding meeting, etc., in parks, etc.....	674
For sewers, plumbing, etc.....	1077
For turning on water, etc.....	1091
For street railways, etc., to construct tracks, etc.....	1134
For openings, etc., in streets, etc.....	1189
For laying, etc., lateral sewers, etc.....	1095
For construction, etc., of sidewalks, etc.....	1229
For erection of advertising signs, etc.....	1261
For awnings, etc.....	1267
For poles, etc.....	1275
For erection of bill boards, etc.....	1294
For parades, etc.....	1323
For turning on water.....	1436
For construction, etc., of lateral water pipes.....	1471
PERSONS—	
See Fire Department; Sanitary Inspectors; Swimming Pools and Natatoriums; Contagious Diseases; Infectious, etc., Diseases; Communicable Diseases; Libraries; Placards; Vital Statistics.	
PETROLEUM—	
See Explosives, Inflammables, etc.	
PIPEMEN—	
See Fire Department.	
PHONOGRAPHS—	
Occupation tax for.....	1341 (e-e)
PHYSICIANS—	
See Communicable Diseases; Contagious Diseases; Infectious, etc., Diseases; Dairies and Dairyman; Penalties; Vital Statistics.	
Shall register name, etc., with Health Officer.....	479
Shall notify Health Officer of change of address.....	479
Shall report to Board of Health patients with cholera, smallpox, diphtheria, typhus, typhoid, scarlet fever, measles, tuberculosis, varicella, whooping cough, epidemic dysentery, trachoma, ophthalmia-neonatorum, epidemic cerebro-spinal meningitis, pellagra, infantile paralysis, hookworm, rabies, tetanus, pneumonia or other communicable diseases	481
Shall give notice to Health Officer of infants or mothers whose eyes become inflamed, etc., within two weeks after birth	481
Shall notify Board of Health when patient with tuberculosis moves out of house or apartment.....	493
Shall report to Health Officer within three hours cases of pestilential, infectious or contagious diseases.....	497
Shall report to Health Officer within six hours deaths from pestilential, infectious or contagious diseases.....	497
Shall report immediately to Health Officer communicable diseases suspected to exist in family of dairyman, milk dealer, etc.	414
Shall report to Health Officer births of children.....	571
Shall fill out form of death certificate of persons attended, including still births.....	575
Shall make record as to certain persons dying in hospitals from certain causes or under certain conditions.....	582
Shall be made by, in charge and signed.....	582
Penalty for failing or refusing to keep such records, etc...	584

PIGEONS—	Section
Unlawful to maintain house for, etc.....	866
PIG PENS—	
See Board of Health.	
PIGS—	
See Animals; Chief of Police; Public Pound.	
PINCKNEY STREET—	
See Railways.	
PIPES—	
See Sewers, Plumbing, etc.; Openings in Streets, etc.; Water Department.	
PISTOLS, TOY—	
Occupation tax for.....	1341 (k-k)
PLACARDS—	
See Board of Health; Milk and Milk Products; Communica- ble Diseases; Contagious Diseases; Infectious, etc., Dis- eases.	
Board of Health shall cause to be placed in front of prem- ises where measles, smallpox, scarlet fever, diphtheria, chickenpox, epidemic cerebro-spinal meningitis, or whoop- ing cough	482
When placed showing smallpox, scarlet fever, or diph- theria, who shall not enter premises.....	492
PLAGUE—	
See Communicable Diseases; Contagious Diseases; Infec- tious, etc., Diseases; Food Products.	
PLANS—	
See Sewers, Plumbing, etc.	
PLATTING—	
See Subdivisions.	
PLUMBING, ETC.—	
See Sewers, Plumbing, etc.	
PNEUMONIA—	
See Health.	
POLES—	
See City Electrician; Streets, Sidewalks, etc.	
POLICE CLERK—	
See Corporation Court; Clerk Corporation Court; Police Department.	
POLICE DEPARTMENT—	
See Policemen; Chief of Police; various Officers of.	
Creation of officers, etc.....	706-724
General provisions concerning.....	725-773
Private watchmen, etc.....	774-776
Street railways to furnish members of, free transportation	1188
POLICEMEN—	
See Police Department; Chief of Police; Corporation Court; Sanitary Inspectors; Privies, Closets, Vaults, Cesspools, etc.; Vital Statistics; Animals; Public Pound; Public Schools; Railways; Traffic, Street; Taxes and Taxation.	
Shall keep record of dead bodies of certain persons.....	585
Shall keep record as to certain injured persons.....	585
Such records subject to production, etc., by request, etc...	585
Members of Police Department.....	707
Oath of office.....	708
Duties of	706, 718-720
Mayor authorized to appoint special.....	721
Bonds of	723
Salaries, graduation of.....	724
To report new occupations, etc.....	725
Shall require persons accusing another to accompany him to station, etc.....	728
Shall not leave his post, except.....	729
Shall be courteous, etc.....	730
Must prevent obstruction of sidewalks, etc.....	731
Not to ill-use prisoners, etc.....	732
Baton to be used only in emergencies, etc.....	734
Conduct on certain streets.....	735
Must not leave post, etc., except.....	736
Must pay particular attention to public houses, etc.....	737
Must not become offended.....	738
Duty on making arrest.....	739

POLICEMEN—Continued—	Section
Shall not enter public house, except.....	748
May arrest suspicious persons at night, when.....	749
Shall carry certain cases before Corporation Court.....	762
Shall bring certain cases before Corporation Court.....	763
Shall file complaints against persons arrested.....	764
Shall not appropriate, etc., to his own use, certain fees, etc.	766
Shall pay certain fees to Clerk of Corporation Court.....	767
Shall make monthly statement of certain fees, etc.....	768
Shall be dismissed for failure to comply with.....	771
Duty of, with reference to searches, etc., for arms, etc.....	773
Authorized to uncheck animals, when.....	799
Unlawful to knowingly receive, from prisoner, false name, etc.	807
Unlawful to knowingly file charge under false name, etc...	808
Duty to take up dogs.....	908
Disposition of dogs taken up.....	910
When shall deliver to owner.....	911
To kill dogs affected with certain diseases, etc.....	914
Duty to kill dogs with mange, when.....	918
Street railway to furnish free transportation.....	1188
Duty to familiarize with traffic Ordinances.....	1302 (51)
POLICE OFFICERS—	
See Policemen; Public Schools; Private Watchmen; Rail- ways.	
POLICY GAME—	
Keeping, etc., unlawful.....	877
Chief of Police to take charge of device, etc.....	878
Unlawful to purchase tickets, etc.....	879
Unlawful to rent building, etc., for.....	880
POLLS—	
See Elections.	
POOL ROOMS—	
Meaning of term.....	883
Unlawful to keep, etc.....	883
Unlawful to loiter, etc., in.....	884
Unlawful to assist, etc., in keeping, etc.....	885
Unlawful to furnish, etc., messages, etc., to.....	886
Permitting telegraph, etc., to remain in, etc., an offense....	887
Unlawful to furnish, etc., messages, etc., to.....	888
Permitting telegraph, etc., to remain in, etc., an offense....	889
Unlawful to bet on horse races, except.....	890
POOL TABLES—	
Occupation tax for.....	1341 (h)
POSSESSION OF BURGLARIOUS INSTRUMENTS—	
Unlawful	938
POTTER'S FIELD—	
Burial in prohibited.....	422
POULTRY—	
See Animals; Cold Storage; City Market; Permits; Inspec- tions.	
POUND—	
See Public Pound.	
POWDER—	
See Explosives, Inflammables, etc.	
PRECINCTS—	
See Elections.	
PREFERENTIAL BALLOT—	
See Elections, Primary.	
PREMISES—	
See Placards; Milk and Milk Products; Ice Cream, Manu- facture, etc.; Food Products; Contagious Diseases; Com- municable Diseases; Infectious, etc., Diseases; Inspec- tions; Fire Marshal; Loitering; Intrusions.	
PRIMA FACIE EVIDENCE—	
See Evidence.	
PRIMARY ELECTIONS—	
See Elections, Primary.	
PRINCIPALS, TEACHERS, ETC.—	
See Public Schools; Communicable Diseases; Contagious Diseases; Infectious, etc., Diseases; Supervisor of Hygiene; Vaccination.	

PRINCIPALS, TEACHERS, ETC.—Continued—		Section
Shall not permit child sick from cholera, smallpox, diphtheria, typhus, typhoid, scarlet fever, measles, tuberculosis, varicella, whooping cough, epidemic dysentery, trachoma, ophthalmia-neonatorum, epidemic cerebro-spinal meningitis, pellagra, infantile paralysis, hookworm, rabies, tetanus, pneumonia, or other communicable disease, to attend school.....	488	
Shall not permit a child residing in a house where exists whooping cough, chickenpox, infantile paralysis, scarlet fever, diphtheria, smallpox, measles, or epidemic cerebro-spinal meningitis, to attend school.....	488	
PRISONERS—		
See Corporation Court; Chief of Police; Police Department.		
City may work convicted.....	750	
Shall not be employed in conflict with free labor.....	751	
Shall be worked under supervision of Chief of Police.....	752	
To receive credit for work, etc.....	753	
Refusing to work, etc., how punished.....	754	
To be searched, etc.....	757	
Aiding to escape, an offense.....	831	
Unlawful to converse with, when.....	850	
PRIVATE POLICE—		
See Private Watchmen; Railways.		
PRIVATE SEWERS—		
City shall have right to connect with.....	1083	
Laying of lateral by property owners.....	1094-1103	
PRIVATE WATCHMEN—		
Appointment; powers and duties.....	774	
Written application for appointment.....	775	
Not to receive salary.....	776	
Removal.....	776	
PRIVATE VEHICLES—		
See Streets, Sidewalks, etc.; Vehicles; Traffic, Street.		
PRIVATES—		
See Fire Department.		
PRIVIES, VAULTS, CLOSETS, CESSPOOLS, ETC.—		
See Board of Health; Nuisances; Scavenger; Sewers, Plumbing, etc.		
Board of Health may make orders for cleaning, etc.....	472	
Maintenance of, except as provided by Ordinance, a nuisance	413	
Property owners to remove surface, when.....	460	
Buildings not connected with sewers, used as residences, etc., shall be provided with.....	462	
Shall have water-tight boxes, etc.....	462	
Shall not be constructed within twenty feet of street, etc..	463	
Shall not be constructed within three feet of party line....	463	
Shall not be constructed within twenty-five feet of window, etc., of residence.....	463	
Apartment, etc., houses shall have one for each family....	464	
Lodging houses, hotels, boarding houses, and buildings, where persons work or are employed, shall have one seat, etc., for each ten persons.....	464	
Boxes or receptacles, holding capacity.....	464	
Old vaults, cesspools, or septic tanks shall not be connected with sewer.....	466	
Disposition of vaults on premises having City water.....	466	
City Scavenger, etc., only to engage in cleaning.....	467	
Fees of City Scavenger.....	469	
Penalty for delay in paying fees.....	470	
Penalty for failure to pay.....	471	
City Scavenger shall notify parties to clean, etc.....	472	
Penalty for failure, etc., to clean.....	472	
Notice to clean may be given by Health Officer, etc.....	472	
Board of Health, etc., may enter and examine.....	474	
City Scavenger shall have the same power with reference to as Health Officer, etc.....	476	
City Scavenger shall remove, etc., contents of, between what hours.....	477	
PRODUCE—		
See Market House, etc.; Market Master; Weights and Measures.		
PROPERTY—		
See Taxes and Taxation; Public Peace and Order.		

PROPERTY, RIGHT TO DESTROY—	Section
See Health Officer; Chief of Police; Chief of Fire Department; Fire Department.	
PROPERTY LINE—	
See City Engineer; Privies, Vaults, Closets, Cesspools, etc.	
PROPERTY OWNER—	
See Privies, Vaults, Closets, Cesspools, etc.; Nuisances; Taxes and Taxation.	
PROSTITUTES—	
See Public Morals and Decency; Prostitution.	
Plying vocation of, unlawful.....	779
Unlawful for, to occupy, etc., any house, etc., without certain limits	780
Unlawful to rent, etc., house, etc., to.....	781
Not to stand on sidewalks, etc., when.....	782
Unlawful to frequent coffee houses, etc.....	783-789
Unlawful for proprietor to permit to frequent, etc.....	790
Accompanying, etc., an offense.....	793
Unlawful to wander about, etc.....	778
PROSTITUTION—	
See Public Morals and Decency; Prostitutes.	
Unlawful to carry on house of, etc.....	784
Mayor may order occupants of house of, to move.....	785
Mayor and Council may close house of.....	786
Unlawful to loiter, etc., in house of.....	788
PUBLIC CARRIERS—	
See Carriers; Street Railways.	
PUBLIC CONVEYANCES—	
See Carriers; Street Railways; Interurban Railways; Nuisances; Traffic, Street.	
PUBLIC DANCES—	
See Amusements; Permits.	
PUBLIC FUNERALS—	
See Burials; Contagious Diseases.	
PUBLIC HEALTH—	
See Health.	
PUBLIC HOUSE—	
See Gaming.	
PUBLIC LIBRARY—	
See Library.	
PUBLIC MEETINGS—	
See Parks, etc.	
PUBLIC MESSENGER COMPANIES—	
See Pool Rooms.	
PUBLIC MORALS AND DECENCY—	
Keeping disorderly house, an offense.....	777
Unlawful for prostitute, etc., to wander about, etc.....	778
Unlawful for prostitute, etc., to ply, etc., vocation.....	779
Unlawful for prostitute, etc., to occupy, etc., any house, etc. without certain limits.....	780
Unlawful to rent, etc., house, etc., for immoral purposes..	781
Public prostitutes, etc., standing on sidewalks, etc., an offense	782
Unlawful for lewd woman, etc., to frequent coffee houses, etc.	783
Unlawful to carry on assignation house, etc.....	784
Unlawful to loiter, etc., in disorderly houses, etc.....	788
Unlawful for prostitute, etc., to eat in coffee house, etc....	789
Unlawful for proprietor of coffee house, etc., to permit lewd woman, etc., to frequent.....	790
Unlawful to falsely register as husband and wife.....	792
Accompanying prostitute, an offense.....	793
Wearing indecent apparel on street, etc., an offense.....	794
Standing, etc., at door, etc., in indecent position, etc., an offense	794
Public appearance in state of nudity, etc., an offense.....	795
Indecent exposure of person, etc., an offense.....	796
Overloading, abusing, high checking of animals, etc., an offense	797
Cruelty to animals.....	798
Bringing diseased animals into City.....	800
Selling diseased animals at auction, an offense.....	801
Unlawful to sell native birds.....	802

PUBLIC MORALS AND DECENCY—Continued—	Section
Unlawful to catch wild birds.....	803
Unlawful for arrested persons, etc., to give assumed, etc., names	805
Unlawful for arrested persons, etc., to give false, etc., residence	806
Unlawful for peace officer to receive false name, etc.....	807
Unlawful for peace officer to file charge under false name..	808
PUBLIC PEACE AND ORDER—	
Fighting in public place, an offense.....	811
Disorderly conduct in public place, etc., an offense.....	812
Discharging firearms in City, an offense.....	814
Simple assault	826
Causing arrest on frivolous charge, etc., an offense.....	827
Inciting rescue or resistance to arrest, an offense.....	828
Resisting, etc., an officer, an offense.....	829
Refusing to assist an officer, an offense.....	830
Aiding prisoners to escape, an offense.....	831
Unlawful to throw water, confetti, etc.....	832
Unlawful to use squawkers, etc.....	833
Injuring, etc., buildings, etc., an offense.....	834
Taking possession of property without permission, an offense	835
Malicious mischief, etc., an offense.....	836
Unlawfully entering theatre, etc.....	837
Loitering about premises of another, an offense.....	838
Suspicious, etc., intrusions, an offense.....	839
Unlawful intrusions, etc., an offense.....	840
Disturbing females in public assembly, an offense.....	841
Making "goo-goo eyes," etc., at females, an offense.....	842
Disorderly conduct in public assemblies, an offense.....	843
Disturbing public worship, etc., an offense.....	844
Sleeping upon streets, etc., an offense.....	845
Sprinkling foot crossings, an offense.....	846
Certain bands of music prohibited from playing on streets	847
Unlawful to converse with City prisoners, when.....	850
Working on Sunday, an offense.....	851
Horse racing, etc., on Sunday, an offense.....	853
Selling, etc., on Sunday, an offense.....	854
Permitting goats, etc., to run at large, an offense.....	855
Animals prohibited from running at large, where.....	858
Definition of "to run at large".....	859
Provisions with reference to Public Pound.....	860-865
Unlawful to keep pigeons, etc.....	866
Unlawful to permit certain fowls to run at large.....	867
Unlawful to display for sale on streets, live stock.....	868
Unlawful for stabled animals to make disturbance.....	869
Provisions with reference to wounded animals.....	870, 871
Using animals, etc., without consent of owner, etc., an offense	872
PUBLIC POLICY—	
Enticing persons to bet, etc., an offense.....	873
Gaming with cards, an offense.....	874
Unlawful to keep, etc., policy game.....	877
Unlawful to purchase, etc., tickets, etc., in policy game....	879
Unlawful to rent, etc., building, etc., for policy game.....	880
Unlawful to keep, etc., pool room.....	883
Unlawful to loiter, etc., in, etc., pool room.....	884
Unlawful to assist, etc., in keeping, etc., pool room.....	885
Unlawful to furnish, etc., to pool rooms, messages.....	886
Permitting telegraph, etc., in pool rooms, an offense.....	887
Unlawful to furnish, etc., messages to pool rooms.....	888
Permitting telegraph, etc., in pool rooms, an offense.....	889
Unlawful to bet on horse races, except.....	890
Employing State convicts on public work, an offense.....	891
Knowingly bringing paupers into City, an offense.....	892
Common carriers prohibited from bringing indigent persons into City	893
Circuses prohibited between certain dates.....	896
Unlawful to collude, etc., in bidding on public improvements	899
PUBLIC SAFETY—	
Horse racing in City, an offense.....	903
Breaking horses, etc., on streets, an offense.....	904
Unlawful to drive cattle, etc., through City.....	905
Unlawful for dogs to be at large.....	907

PUBLIC SAFETY—Continued—	Section
Provisions with reference to taking up dogs, licenses, disposition, etc.	908-914
Unlawful for dogs with mange to run at large.	916
Duty of police with reference to.	918
Staking, etc., animals so that they may get on sidewalks, etc., an offense.	920
Driving, etc., animals over bridges faster than a walk, an offense.	921
Duty of drivers, etc., in case of collision, etc.	922
Unlawful for intoxicated driver to drive.	923
Riders of bicycles at night to have lamp, etc.	926
Wantonly causing collision, an offense.	928
Shooting air guns, etc., an offense.	929
Discharging missiles, etc., an offense.	930
Carelessly using lights, etc., in stables, etc., an offense.	931
Depositing ashes in wooden receptacles, etc., an offense.	932
Carrying burning coal, etc., into warehouse, etc., an offense.	933
Refusing, etc., to remove dangerous structures, etc., an offense.	934
Leaving wells, etc., open, an offense.	935
Barbed wire fences prohibited.	936
Possessing burglarious instruments, etc., an offense.	938
Persons over 16, found begging, etc., tramps, and punishable.	939
Unlawful to keep a house, etc., for purpose of smoking opium, etc.	940
Renting, etc., houses, etc., for smoking, etc., opium, an offense.	941
Throwing patent medicines, etc., into yards, etc., an offense.	941a
PUBLIC PARKS—	
See Parks, etc.	
PUBLIC PLACE—	
See Definitions.	
PUBLIC POLICE—	
See Policemen.	
PUBLIC POUND—	
See, Animals; Chief of Police; Public Peace and Order; Public Safety.	
Goats, hogs, etc., not permitted to run at large.	855
Chief of Police may destroy, when.	856
Stock limits established; certain animals prohibited from running at large.	858
Definition of "to run at large".	859
Chief of Police shall establish.	860
Chief of Police shall cause certain animals to be impounded.	860
Impounded animals shall be sold at public auction.	860
Method of redeeming impounded animals.	861
Impounded animals, not sold, shall be killed.	862
Only policemen shall impound.	864
Driving animals into stock limits, an offense, when.	864
Disposition of money received from sale of impounded animals.	865
Unlawful for dogs to run at large.	907
Chief of Police shall take up dogs.	908
Disposition of dogs taken up.	910
When dogs taken up shall be delivered to owner.	911
Dogs impounded, not redeemed, to be sold.	912
Dogs, not redeemed, etc., to be killed.	913
Dogs affected with hydrophobia, etc., to be killed, when.	914
Dogs with mange, to be killed.	918
Disposition of moneys collected for licenses for dogs.	919
PUBLIC PROSTITUTION—	
See Prostitutes; Prostitution; Lewd Women; Assignment Houses.	
PUBLIC SCHOOLS—	
Creation of Advisory Board to Trustees.	942
Powers and duties of Board.	942
Qualifications of members; contracts.	943
Appointment of Board.	944
Term of office; removal.	945
Public school houses, etc., under control of City.	946
Duties and powers of School Trustees.	947

PUBLIC SCHOOLS—Continued—	Section
Additional powers, etc., of Trustees.....	948
Trustees shall employ teachers by written contract.....	949
Teachers must present certificate of character.....	950
Board of Examiners to issue certificate of competency.....	951
Teachers to keep record.....	952
Scholastic days	953
Scholastic year	954
Scholastic age, etc.....	955
Pupils over and under age.....	956
Branches of study.....	957
Superintendent of Public Schools.....	958
Salary of Superintendent.....	959
Duty of Superintendent.....	960
School fund	961
Donations form part of school fund.....	962
Payment of salaries.....	963
Bond of Treasurer of school fund.....	964
Janitors of, vested with police power, when and where.....	965
Powers of janitors.....	966
No additional salary.....	967
No bond required.....	968
Principals, etc., shall not permit children sick from certain diseases to attend school.....	488
Principals, etc., shall not permit child residing in house where certain diseases to attend school.....	488
PUBLIC SERVICE COMMISSIONER—	
See Public Utilities; Gas; Electric Light and Power; Telephones; Purchasing Agent.	
Creation of office, etc.....	969
Powers and duties.....	970
To investigate refusals of service, etc.....	971
To keep record of meters tested.....	972
Officers of corporations charged with performance of duties placed upon corporations.....	973
PUBLIC SERVICE CORPORATIONS—	
See Gas; Electric Light and Power; Telephones; Street Railways; Interurbans; Railways; Telegraphs; Public Utilities; Public Service Commissioner; Corporations.	
Duties imposed upon, also imposed upon their manager, etc.	978
Penalty for violating Chapter on Public Utilities.....	973
PUBLIC SPEECH—	
See Parks, etc.	
PUBLIC UTILITIES—	
See Public Service Corporations; Public Service Commissioner; Gas; Electric Light and Power; Telephones; Street Railways; Interurbans; Railways; Telegraphs.	
Public Service Commissioner.....	969-973
Gas	974-982
Electric Light and Power.....	983-988
Telephones	989-1002
PUBLIC WORK—	
See Labor; Collusion.	
PUBLIC WORSHIP—	
Disturbing of, an offense.....	844
PURCHASES—	
See Purchasing Agent; Saloons, etc.	
PURCHASING AGENT—	
Creation of office, etc.....	1003
Duties of	1004
Shall pass upon requisitions.....	1004
Before acting on requisitions, shall inform himself as to appropriation, etc.	1005
May establish rules, etc., for transaction of business.....	1006
Shall be ex-officio Public Service Commissioner during vacancy in that office.....	1007
Restrictions upon interest, etc., by, in contracts, etc.....	1008
Clerks	1009
PURE FOOD AND DRUGS—	
See Health Officer; City Chemist and Bacteriologist; Sanitary Inspectors.	
Manufacture, possession, etc., of adulterated or misbranded, prohibited	528
Definition of terms "food" and "drug".....	528

PURE FOOD AND DRUGS—Continued—		Section
Articles deemed adulterated, when.....		529
Deemed adulterated in case of drugs.....		529 (a)
Deemed adulterated in case of confectionery.....		529 (b)
Deemed adulterated in case of food.....		529 (c)
Term "filthy" deemed to apply, when, etc.....		529 (c)
Term "misbranded" applies, to what.....		530
Articles deemed misbranded, when.....		531
Deemed misbranded in case of drugs.....		531 (a)
Deemed misbranded in case of food.....		531 (b)
Manufacture, sale, etc., of food to which has been added formaldehyde, etc., prohibited.....		532
Sale, etc., of unwholesome, etc., milk, etc., prohibited.....		533
Sale, etc., of milk, etc., from cows where infectious disease, etc., prohibited.....		533
Skin milk, provisions concerning.....		533
When dealer shall not be prosecuted.....		534
Duty of certain officers to investigate, etc., and prosecute, etc.....		535
Powers of officers.....		535
Samples of, may be taken.....		535
Standards adopted.....		535
Methods of analysis.....		535
Officers not required to give certificates of purity.....		536
Annual report of City Chemist and Bacteriologist.....		537
Authority of Health Officer, etc., to condemn, etc.....		539
General penalty for violations of pure food and drug Article.....		538
Penalty for failure of Health Officer, etc., to perform duty.....		539
Diseased animals not to be brought into City.....		540
Offer, etc., of diseased animals, etc., prohibited.....		540

Q

QUARANTINE—	
See Board of Health.	
QUARANTINE OFFICER—	
Member of Health Department.....	369
Creation of office.....	370
Duties of.....	377
Salary of.....	382

R

RABIES—	
See Animals; Physicians; Communicable Diseases,	
RAILINGS—	
See Sidewalks.	
RAILROAD TICKETS—	
See Railways.	
RAILWAYS—	
See Indigent Persons; Street Crossings; Streets, Sidewalks, etc.; Carriers; Engineering Department; Harbor Department; Street Railways.	
Shall keep flagmen at public crossings.....	1010
Shall maintain electric lights at crossings.....	1011
Penalty for failure to comply with above.....	1012
Unlawful for yardmaster, etc., to block crossings longer than five minutes.....	1013
Unlawful to allow locomotives, etc., to remain standing, etc., on street crossings longer than five minutes.....	1015
Unlawful to allow locomotives, etc., to remain standing, etc., on street, etc., longer than thirty minutes.....	1016
Shall provide safeguards on streets, etc., when Council deems necessary.....	1017
Penalty for failure to provide safeguards.....	1018
Such safeguards to be erected, etc., at expense of.....	1019
Penalty for failure to maintain, etc.....	1020
Shall erect lights, etc., at places designated by Council....	1021
Shall keep lights burning, etc.....	1021
Speed of trains in City.....	1022
Locomotive bells to be kept ringing, when.....	1023
Jumping on, etc., trains, while in motion, unlawful.....	1024
Baggage Masters, etc., invested with police authority.....	1025

RAILWAYS—Continued—	Section
Baggage Masters, etc., may assign station to vehicles at depots	1026
Baggage Masters, etc., must take oath, give bond, etc.....	1028
Shall make, etc., drains, etc.....	1029
Shall keep streets, etc., in good repair.....	1030
Shall construct and keep in repair bridges, etc.....	1031
Street and Bridge Committee to have plans prepared to carry out above.....	1032
After preparation and approval of plans, notice to be given	1033
Penalty for failure to make repairs, etc.....	1034
Duty to provide street crossings.....	1035
Crossings, how constructed.....	1035
Time within which crossings to be constructed.....	1036
Penalty for failure to construct crossings, etc.....	1037
Blowing locomotive whistles for longer than five seconds, prohibited	1038
Running locomotives at greater speed than six miles per hour, etc., an offense.....	1039
Unlawful to use Commerce Avenue for switching, where... ..	1040
Who may be prosecuted for violation next above.....	1041
Shall place fire alarm indicators at certain crossings.....	1042
Such crossings to be opened when.....	1043
Duty of yardmaster, etc., when such crossings are blocked..	1044
Unlawful to sell railroad tickets without license from.....	1045
Must show authority to sell railroad tickets when demanded	1047
M. K. & T. to stop trains at Houston Avenue crossing.....	1049
Engineers shall stop trains at Pinckney Street.....	1050
Tracks to be maintained on level.....	1140
Needed repairs	1145
Penalty for failure to comply with Ordinances.....	1149
Prompt compliance with orders, required.....	1150
Penalty	1151
Must keep bridges, crossings, etc., in repair.....	1152
Penalty	1153
RATES—	
See Carriers; Harbor Department; Market House, etc.; Gas; Electric Light and Power; Telephones; Street Railways.	
RECEPTACLES IN PRIVIES—	
See Privies, Vaults, Closets, Cesspools, etc.	
RECEPTACLES IN STABLES—	
See Stables.	
RECEPTACLES, GARBAGE—	
See Garbage.	
RECEPTACLES, MILK—	
See Milk and Milk Products.	
RECEPTACLES FOR MARKET HOUSE REFUSE—	
See City Market; Market House, etc.	
REFUSING TO ASSIST OFFICER—	
See Policemen.	
REGISTRY OF BIRTHS AND DEATHS—	
See Vital Statistics.	
REGULATIONS—	
See Rules and Regulations; Carriers; various Departments and Heads of Departments, etc.	
REPAIRS—	
See Railways; Street Railways; Streets, Sidewalks, etc.	
REPORTS AND REPORTS REQUIRED—	
See Board of Censors; Clerk of Corporation Court; Chief of Police; Fire Department; City Electrician; Harbor Department; Health Officer; Scavenger; City Chemist and Bacteriologist; Sanitary Inspectors; Harris County Tuberculosis Society; Supervisor of Hygiene; Physicians; Undertakers; Midwives; Surgeons; Policemen; Public Service Commission; Telephones; South Texas Fair and Exposition Commission; Assessor and Collector; Sewers, Plumbing, etc.; Treasurer; Water Department; see Chapter VI of Code of 1904, omitted but not repealed (Section 1521).	
REQUISITIONS, HEADS OF DEPARTMENTS—	
See Purchasing Agent.	
RESCUE—	
Encouraging rescue of prisoners, an offense.....	828

RESERVATION—	
See Assignment Houses; Houses of Prostitution.	
RESIDENCE—	
See False Residence.	
RESIDENCE DISTRICT—	
See Saloons, etc.	
RESOLUTIONS—	
See Rule 12 of City Council.	
RESTAURANTS—	
See Health Officer; Milk and Milk Products; Food Products;	
Pure Food and Drugs; Cold Storage; Permits.	
Health Officer shall visit.....	996
Health Officer shall grant, etc., permits to establish.....	399
Unlawful for lewd woman, etc., to frequent.....	789
Unlawful for proprietor to permit lewd woman, etc., to frequent, etc.	790
RESERVOIRS—	
Putting animal matter, etc., or bathing in, prohibited.....	1439
RESTRICTED DISTRICTS—	
See Assignment Houses; Houses of Prostitution, Saloons, etc.	
REVENUES—	
See Harbor Department; Taxes and Taxation; Occupation	
Taxes; Water Department; Police Department.	
REVISED CODE—	
General provisions concerning.....	1520-1530
RIGHTS OF WAY—	
See Traffic, Street; Streets, Sidewalks, etc.; Street Railways.	
Repeal of unappropriated, by street railways.....	1148
RIOTOUS CONDUCT—	
See Policemen; Rescue.	
ROOMS—	
See Nuisances; Barber Shops; Food Products.	
RUBBER BALLS—	
Use upon street, etc., prohibited.....	833
RUBBISH—	
Board of Health shall supervise collection, etc.....	395
Shall not be thrown, etc., in alleys, etc.....	442
RULES AND REGULATIONS—	
See City Council; various Departments; Heads of various	
Departments; Harbor Department; Board of Health.	
RULES OF THE ROAD—	
See Traffic, Street.	
S	
SAFEGUARDS—	
See Building Laws, not codified; Railways; Public Safety.	
SAFES—	
See Nitro Cellulose Films.	
SALE AND SALES—	
See Weights and Measures.	
When an article, etc., shall be deemed offered, etc., for....	571
Market hours for.....	601
Unlawful to sell on streets, etc., abutting Market House, between certain hours.....	605
Articles which shall not be offered for sale, etc.....	620
In parks, etc., prohibited, except.....	659
SALOONS, REGULATION, ETC.—	
See Milk and Milk Products; Lewd Women.	
Selling intoxicants to minors, etc., an offense.....	1050a
Minors obtaining liquors from by deception, guilty of an offense	1051
Aiding minor to obtain liquor by false statements, an offense	1052
Loitering, etc., around, in residence districts, an offense....	1053
Permitting loitering, etc., around, in residence section, an offense	1055
Definition of "saloon in residence section".....	1056
Unlawful to purchase intoxicating liquor, etc., on Sunday..	1057
Unlawful to drink intoxicating liquor in, etc., on Sunday..	1058
Loitering, etc., in, on Sunday, unlawful.....	1059
Definition of term "at any time on Sunday".....	1060

SALOONS, REGULATION, ETC.—Continued—		Section
Buying or drinking in, between certain hours, unlawful....	1061	
Unlawful to conduct saloon without license.....	1064	
When saloon is licensed.....	1065	
What term "lessor" includes.....	1066	
Unlawful to purchase liquor from non-licensed.....	1067	
Unlawful to drink intoxicating liquor in, etc., non-licensed	1068	
Unlawful to congregate, etc., in non-licensed.....	1069	
Definition of term "licensed saloon".....	1070	
Prohibited in certain district.....	1071	
Sleeping in, prohibited.....	1073	
Occupation tax for.....	1347	
Provisions governing obtaining of license.....	1348-1354	
Penalty for engaging in business of, etc., without license..	1355	
SANITARIUMS, HOSPITALS, ETC.—		
See Vital Statistics.		
SANITARY CONDITIONS—		
See Board of Health; Health Officer; Nuisances; Stables; Barber Shops; Street Cars; Interurban Cars; Milk and Milk Products; Ice Cream, Regulating Manufacture; Pure Food and Drugs; Food Products; City Market; Sanitary Inspectors.		
SANITARY CLOSETS—		
See Privies, Vaults, Closets, Cesspools, etc.		
SANITARY INSPECTORS—		
See Chief Sanitary Inspector; Scavenger; Privies, Vaults, Closets, Cesspools, etc.		
Members of Health Department.....	369	
Creation of office of.....	370	
Duties, authority, etc.....	381	
Right to enter and inspect premises, etc.....	381 (a)	
Right to inspect water connections.....	381 (a)	
Authority to order removal of nuisance, etc.....	381 (a)	
Authority to order repairs to prevent waste of water.....	381 (a)	
Shall assist in enforcing health Ordinances, etc.....	381 (a)	
Have powers of policemen, etc.....	381 (a)	
Duty to make arrests, when.....	381 (a)	
Shall perform duties required by Mayor, etc.....	381 (a)	
Owner or occupant refusing to allow to enter premises, etc., duty to report.....	381 (a)	
Shall wear badge, to allow.....	381 (b)	
Terms "Sanitary Inspector," "Health Inspector" and "Sani- tary Policeman".....	381 (c)	
Persons refusing to obey orders respecting removal of nuis- ance, etc., subject to fine, when.....	381 (d)	
Duties of Sanitary Inspectors working under City Scavenger	381 (e)	
Under City Scavenger, required to give bond.....	381 (e)	
Salaries of.....	383	
Orders of Board of Health to be enforced by.....	389	
Under City Scavenger, may determine, collect and receipt for fees.....	468	
Under City Scavenger, may determine fees and leave notice to call, etc.....	468	
May give notice to clean closets, etc.....	472	
Mayor, etc., shall provide for the Scavenger.....	473	
Shall have authority to enter into and examine cellars, etc.	474	
Duty of, upon finding adulterated milk, etc.....	560	
Shall petition Judge of Corporation Court for condemna- tion, etc.....	562	
Unlawful to prevent any, from entering building, etc.....	567	
Where term "Health Officer" used, includes.....	568	
SANITARY SEWERS—		
See Sewers, Plumbing, etc.		
Buildings supplied with water to be connected with, when..	461	
Old vaults, cesspools, etc., shall not be connected with....	466	
SCALES—		
See Weights and Measures.		
SCARLET FEVER—		
See Physicians; Communicable Diseases; Contagious Dis- eases; Infectious, etc., Diseases; Placards; Burials; Prin- cipals, Teachers, etc.; Food Products		
SCAVENGER, CITY—		
See Privies, Vaults, Closets, Cesspools, etc.		
Member Health Department.....	369	

SCAVENGER, CITY—Continued—	Section
Creation of office.....	370
Duties of	378
Bond of	378
Has direction, control and supervision of Sanitary Inspectors, etc.	378
May recover on bonds of Sanitary Inspectors, when.....	381 (e)
Salary of	383
Fees of	468
Notice to pay fees.....	468
Charges for pumping cesspools, etc.....	469
Shall notify parties to clean privies, etc.....	472
Shall keep record, etc.....	475
Authority of, in matters pertaining to privies, etc.....	476
Removals by, shall be between certain hours.....	477
Duty of, to remove night soil, when.....	478
SCHOOLS AND SCHOOL CHILDREN—	
See Public Schools; Principals, Teachers, etc.; Supervisor of Hygiene; Vaccination.	
SEALER OF WEIGHTS AND MEASURES—	
See Weights and Measures.	
Appointment, qualification, etc.....	1480
Deputies	1481
Shall, through Purchasing Agent, purchase, etc., complete set of accurate weights, etc.....	1482
Shall be custodian of standard set, etc.....	1483
Shall devote entire time to office.....	1483
Powers and duties.....	1483
Shall have supervision, etc., of weights, etc., and sales, etc.	1483
Deputies; powers and duties.....	1484
Shall inspect, etc., weights, etc., stamp, and issue certificate	1485
Shall keep a register, etc.....	1486
Sealer and deputies prohibited from vending weights, etc...	1487
Shall mark "condemned" weights, etc., when.....	1488
Shall deliver standards, etc., upon resignation.....	1489
SECOND ASSISTANT CHIEF FIRE DEPARTMENT—	
See Fire Department.	
Member Fire Department.....	311
Creation of office, etc.....	313
Authority	316
When shall be in control at fire.....	317
Attendance at fires.....	314
Salary	325
SECOND-HAND DEALERS—	
See Pawn Brokers, Second-hand and Junk Dealers.	
SECRETARY—	
See City Secretary; Fire Department; Harbor Department; Police Department; Board of Health.	
SEGREGATED DISTRICT—	
See Assignment Houses; Houses of Prostitution.	
SEPTIC TANKS—	
See Privies, Vaults, Closets, Cesspools, etc.; Sewers, Plumbing, etc.	
SEWAGE—	
See Sanitary Sewers; Sewers, Plumbing, etc.	
SEWERS, PLUMBING, ETC.—	
See Sanitary Sewers.	
General Provisions—	
City Engineer charged with supervision of plumbing, etc...	1075
City Engineer shall examine, etc., plans for plumbing, etc..	1075
City Engineer shall inspect before covered.....	1075
Duty of City Engineer when work not done according to plans, etc.	1075
Definition of terms "plumbing," "drainage" and "drain laying"	1076
Permits for, necessary.....	1077
When permits for shall not be granted.....	1077
Examining Board for Plumbers, etc.....	1077
Examinations, licenses, fees, etc.....	1077
City Engineer shall not issue City license, unless.....	1078
Duplicate plans to be filed with City Engineer, when.....	1079
Plans to be O. K'd by Plumbing Inspector.....	1079 (b)
Application for permit to be O. K'd by Water Department, when	1079 (c)

SEWERS, PLUMBING, ETC.—Continued—	Section
Plans shall not be changed, except.....	1079 (d)
Plumbing, etc., work without permit, an offense.....	1079 (e)
Must have Water Department permit, when.....	1079 (f)
Plumbers must show license, etc., when.....	1080 (a)
Plumbers, etc., shall have deposit with Assessor and Collector, to cover inspections.....	1081 (a)
Certificate, etc., of plumbers, etc., to be cancelled, when....	1080 (b)
Plumbers, etc., shall notify City Engineer when to inspect..	1081 (b)
Covering up work not inspected, an offense.....	1081 (c)
Work, by whom done.....	1081 (d)
Plumbers, etc., without license, etc., shall not be employed, etc.	1082
City has right to connect with private sewers.....	1083
Deposits, etc., in sewers, prohibited.....	1084 (a)
Connections by slaughter houses, etc., how made, etc.....	1084 (a)
Manholes not to be used as water closets, without permission, etc.	1084 (b)
Obstructions of sewers by discharges from slaughter houses, etc., an offense.....	1085
When City Engineer has power to stop, etc., discharges into	1086
Down spouts, etc., not permitted to connect with sanitary..	1087
Privy vaults, etc., must have flushing arrangements.....	1088
City Engineer shall make, etc., monthly inspections of manholes, etc.	1089
Septic tanks; construction permitted, when.....	1090
Special provisions affecting Water Department.....	1091
Regulations, etc., governing construction of and materials to be used in.....	1092
Sewer connections, when to be made.....	1092 (6)
Sewer connections, when shall be separate.....	1092 (6)
Sewer connections, how made.....	1092 (7)
Sewer connections, final, when made.....	1092 (9)
Sewer connections, when compulsory.....	1092 (11)
Unlawful deposits in.....	1092 (21)
Application for inspection.....	1092 (95)
Certificate of inspection.....	1092 (98)
Deposits for street openings.....	1092 (101)
Inspection of all openings.....	1092 (101)
Fees for inspection.....	1092 (101)
Definition of terms.....	1092 (102)
Penalties for violation of Ordinances concerning.....	1093
Laying of Lateral Sewers by Property Owners—	
Authority to lay upon condition.....	1094
Permit to lay.....	1095
Cost, etc., to be borne by property owners.....	1095
Application for permit.....	1095
Property owners to give bond, except.....	1095
Size and laying; restrictions.....	1097
Contents of application.....	1098
Statement of costs to be filed, etc.....	1098
Fixing cost of subsequent connections.....	1098
Permits for subsequent connections, when issued.....	1098
When laying operates as a dedication to public use.....	1098
Application for permit to connect additional.....	1099
Permit may be granted by City Council.....	1099
Deposit to be first made.....	1099
Shall be deemed a public sewer, etc.....	1099
Meaning of terms "lateral sewer" and "service connection"	1100
Size, construction, etc., of service connections.....	1101
General provisions for management, etc., by City.....	1102
Governed and regulated as other sewers, except.....	1102
Offenses; penalties	1103
SEWING MACHINES—	
Occupation tax for selling.....	1341 (x)
SEXTONS—	
See Burials.	
SHADE TREES—	
See Sidewalks.	
SHIP BROKERS AND AGENTS—	
Occupation tax for.....	1341 (d)
SHOOTING GALLERY—	
Occupation tax for.....	1341 (g)

SICK PERSONS—

See Invalids.

SIDEWALKS, ETC.—

See Streets, Sidewalks, etc.; Openings in Streets; Awnings;
Bill Posting; City Electrician; Signs; Street Railways;
Railways.

Spitting on, etc., prohibited.....	429
City Council to pass Ordinances for grading, etc.....	1216
City Engineer to fix bounds and limits.....	1217
Property owners to construct driveways, etc., how.....	1220
City Engineer to furnish correct grade, etc.....	1220
Duty of property owners with reference to crossings, from curbs to street.....	1221
Telegraph, etc., companies to keep deposit with Treasurer, to restore sidewalks, etc.....	1223
Penalty for failure to keep deposit, etc.....	1224
Compelling construction, etc., of sidewalks, etc.....	1225
Cost of construction, etc., how paid when work done by City Council to order construction, etc.....	1225
Materials to be used, etc.....	1226
Standard specifications for cement.....	1227
City Engineer to establish lines, etc.....	1228
City Engineer to prepare specifications for, when.....	1228
Permit necessary for the construction, etc., of.....	1229
Notice to construct, etc.; contents; service.....	1230
When designations made, Mayor need not notify those in judgment of Mayor and Council, having sufficient.....	1231
Unlawful to construct different than ordered, etc.....	1231
Penalty for construction of different than ordered.....	1231
Contract provisions for completion shall comply with order of Council.....	1232
City may refuse to pave streets, etc., until sidewalks, etc., laid.....	1233
City may contract to construct, etc.; procedure, etc.....	1234
Builders of must give bond.....	1235
Penalties.....	1236
Construction of provisions.....	1237
Reservations by City when putting down pavement, etc.....	1237a
Unlawful to store, etc., fruits, etc., on.....	1239
Unlawful to dig ditch across.....	1238
Limbs, etc., of trees overhanging, must be trimmed.....	1241
Railings on, in stock limits, prohibited.....	1242
Railings on, outside of stock limits, provided.....	1243
Running wheelbarrows, etc., on, an offense.....	1244
Leaving excavation in, etc., an offense.....	1246
Riding, etc., on, an offense.....	1247
Unlawful to obstruct, etc.....	1251
Unlawful to hitch, etc., animal upon, etc.....	1251
Wilfully, etc., tearing up, etc., an offense.....	1308
Unlawful to throw banana peelings on.....	1314
Unlawful to ride, etc., on, etc., except.....	1315
Throwing articles from upper story, etc., prohibited.....	1316
Throwing trash, etc., on, prohibited.....	1318
Throwing trash, etc., on, prohibited.....	1319
Unlawful to permit paper to remain on.....	1320
Unlawful to permit water from hydrant on.....	1326
Discharge of water from fountain, etc.....	1327
Governing sweeping of, etc.....	1329-1332

SIGNALS—

See Safeguards; Signals, Danger; Traffic, Street.

SIGNALS, DANGER—

See Openings in Streets; Safeguards; Sidewalks, etc.;
Streets, Sidewalks, etc.; Building Laws, not in this Code.

SIGNS—

See Streets, Sidewalks, etc.; Poles; Bill Posting.

Swinging, unlawful.....	1256
Unlawful to erect advertising, except as provided by Ordina- nces.....	1258
Advertising, shall conform to classes specified in Ordina- nces.....	1259
Advertising, classified.....	1260
Permits necessary for erection of all, except.....	1261
Building Inspector to issue permit for, when.....	1261
To be kept in good repair.....	1262

SIGNS—Continued—	Section
Building Inspector may make repairs at owner's expense, etc.	1262
Persons, etc., erecting, to save City harmless, etc.	1263
Permit to contain agreement to that effect, etc.	1263
Penalties	1264
Fees for inspection.	195
SIREN WHISTLES, ETC.—	
See Traffic, Street.	
SKATING RINKS—	
Occupation tax for.	1341 (a-a)
SKIMMED MILK—	
See Milk and Milk Products; Pure Food and Drugs.	
SLAUGHTER HOUSES—	
See Health Officer; Board of Health; Food Products; Per- mits; Buffalo Bayou; Inspections.	
SLEEPING ROOMS—	
See Theatres; Rooms.	
SLEEPING—	
Prohibited in parks, etc.	663
Prohibited on streets and sidewalks.	773
Prohibited in saloons, theatres, etc.	1073
Prohibited in barber shops.	436
Prohibited in work rooms of bakeries, etc., or place where food is prepared for sale, etc.	548
SLEIGHT OF HAND—	
Occupation tax for.	1341 (q)
SLOPS—	
Hauling over street, between certain hours, prohibited.	448
Hauling in certain class of wagons, prohibited.	1312
SMALL FRUITS—	
See Fruits; Weights and Measures.	
Shall be sold in packages, etc.	1517
SMALLPOX—	
See Physicians; Communicable Diseases; Contagious Dis- eases; Infectious, etc., Diseases; Placards; Burials; Su- pervisor of Hygiene; Principals, Teachers, etc.; Vaccina- tion; Milk and Milk Products; Food Products.	
SMOKING—	
Unlawful in theatre, etc.	28
Unlawful in rooms containing moving picture films.	261
Unlawful in rooms, etc., where gasoline, etc., kept.	271
Prohibited in warehouses, etc., for storing cotton, etc.	300
Unlawful on street cars, except rear platforms.	1174
SMOKE AND SOOT CONSUMERS—	
See Chimneys and Flues.	
Unlawful to use soft coal under certain conditions, unless consumer maintained, etc.	104
Flues, etc., of certain kind, to be provided with.	106
SOAP FACTORY—	
See Buffalo Bayou.	
SODA WATER—	
See Permits.	
SOLICITORS—	
See Parks, etc.	
SOUTH TEXAS FAIR AND EXPOSITION COMMISSION—	
Creation	1104
Composition, terms of office, etc.	1105
Duties	1106
Funds of; annual reports.	1107
SPECIAL POLICE—	
See Special Watchmen; Policemen; Police Department.	
SPECIAL WATCHMEN—	
Appointment, powers and duties.	774
Written application for appointment, etc.	775
Receive no salary from City; removal.	776
SPEED—	
See Railways.	
SPEED LIMITS—	
See Traffic, Street; Public Safety; Streets, Sidewalks, etc.; Railways.	

	Section
SPITTING—	
See Sidewalks; Natatoriums and Swimming Pools; Food Products; Nuisances; Traffic, Street.	
Upon sidewalks, cross walks, the floors of churches, public halls, theatres, street cars, or other public places, declared a nuisance.....	429
SPRINKLING—	
Hours for, lots, etc.....	1448
SPRINKLING FOOT CROSSINGS—	
An offense	846
STABLES—	
Screened receptacles to be maintained in.....	431
Where more than six head of horses, etc., manure to be removed twice each week, when.....	432
Shall not be allowed to accumulate to become a nuisance...	432
Manure from shall not be thrown, etc., in alley, etc.....	432
Shall be kept in clean condition.....	433
Shall not litter streets in hauling manure.....	434
Carelessly using lights in, an offense.....	931
STALLS IN MARKET—	
See City Market; Market House, etc.	
STAGNANT WATER—	
See Grounds.	
STANDS—	
See Carriers; Market House; Hay Wagons; Sidewalks, etc.; Streets, Sidewalks, etc.	
STATEMENTS—	
See Controller.	
STATIONARY ENGINEERS—	
See Board of Examiners for Stationary Engineers; Steam Boilers and Elevators.	
STEAM—	
See Traffic, Street.	
STEAM BOILERS AND ELEVATORS—	
See Board of Examiners for Stationary Engineers; Boiler and Elevator Inspector; Water Department.	
STOCK LIMITS—	
See Animals; Chief of Police; Public Pound.	
Certain animals running at large in, prohibited.....	858
STOCK YARDS—	
See Health Officer.	
STOKERS—	
See Fire Department.	
STORAGE—	
See Explosives, Inflammables, etc.; Cold Storage; Food Products; Milk and Milk Products; Moving Picture Film Exchanges; Calcium Carbide; Cotton.	
STRAW—	
See Hay; Explosives, Inflammables, etc.; Weights and Measures.	
STREET AND BRIDGE COMMITTEE—	
See City Council; Street Railways; Railways.	
STREET CARS—	
See Street Railways; Interurbans; Traffic, Street; Spitting; Health.	
STREET CROSSINGS—	
See Railways; Street Railways; Openings in Streets; Traffic, Street; Sprinkling Foot Crossings; Building Ordinances, not in this Code.	
STREET OPENINGS—	
See Openings in Streets; Sidewalks; Streets, Sidewalks, etc.	
STREET RAILWAYS—	
See Railways; City Electrician; Electrical Department.	
Cars shall be cleaned daily.....	459
Cars shall be kept in sanitary condition.....	459
Written consent to be obtained for constructing line, etc....	1134
Written permission to be obtained for relaying tracks, etc....	1135
Johnson grooved girder rails required on paved streets.....	1136
Grooved girder rails to be used on all repair work, etc.....	1137
Penalty for violations, if not complied with in sixty days after notice	1138

STREET RAILWAYS—Continued—	Section
Kind of stringers to be used.....	1139
Tracks to be maintained on a level.....	1140
Tracks to be repaired.....	1141
Unlawful to interfere with motorman, etc.....	1142
Unlawful to jump on, etc., cars of.....	1143
Duty of Chief of Police, etc., to give notice to make repairs, etc.	1145
Neglect to make repairs, etc., after notice, an offense.....	1146
Duty to keep crossings in repair.....	1147
Ordinances granting rights of way, etc., prior to 1895, not used, repealed	1148
Penalty for failure to comply with Ordinances.....	1149
Prompt compliance with orders required.....	1150
Penalty for failure to comply with Charter.....	1151
Must keep bridges, crossings, etc., in repair, etc.....	1152
Penalty for failure to keep bridges, etc., in repair, etc.....	1153
Unlawful to monopolize end seats.....	1154
Passengers must move when requested, etc.....	1155
Cars must be vestibuled, when.....	1157
Must provide separate compartments, etc.....	1159
How compartments, etc., divided, etc.....	1160
Term "Negro" defined.....	1161
Penalty for failure to provide separate compartments, etc.....	1162
Conductors shall have right to refuse passage, when.....	1163
Penalties for passengers violating Section.....	1164
Does not apply to nurses.....	1165
Does not apply to excursion cars.....	1166
Unlawful to run cars with flat wheels.....	1167
Shall water tracks, when.....	1169
Conductor, exclusively, to shift screens.....	1171
Conductor must report shifting of screens by others.....	1172
Conductor authorized to shift screens, and require passengers to occupy seats, etc.....	1173
Smoking on cars, except rear platform, prohibited.....	1174
Conductors to notify violator of nature of Ordinance.....	1175
Copy of smoking Ordinance to be posted in cars.....	1176
Shall not cut belts.....	1178
Meaning of term "cutting belt".....	1179
Rates of fare for adults.....	1180
Rates of fare for children between 5 and 12.....	1181
Shall supply books for half fare, etc.....	1182
Shall give transfers.....	1183
Cars to be provided with notices with reference to transfers.....	1184
Penalty for Conductors not supplying transfers.....	1185
Provisions for transfers not to apply to more than two lines.....	1186
Children under five years of age to be transported free.....	1187
Firemen, etc., and policemen, etc., to be transported free.....	1188
Occupation tax for.....	1341 (d-d)
STREET WALKING—	
Unlawful for prostitute, etc., to wander about, etc.....	778
STREETS, SIDEWALKS, ETC.—	
See Openings in Streets; Sidewalks, etc.; Awnings; Signs; Bill Posting; Traffic, Street; City Electrician; Railways; Street Railways; Stables; Garbage; Subdivisions; City Engineer; Carriers; Animals.	
Openings in streets.....	1189-1215
Construction, repair, etc.....	1216-1237a
Obstructions	1238-1255
Awnings, Signs, etc.....	1256-1268
Poles	1269-1284
Bill posting	1285-1297
Traffic, street	1298-1305
Miscellaneous	1306-1337
Sleeping upon, an offense.....	845
Sprinkling foot crossings, an offense.....	846
Certain bands of music playing on, an offense.....	847
Goats and hogs running at large, an offense.....	855
Unlawful for certain fowls to run at large.....	867
Unlawful to display for sale, live stock.....	868
Horse racing in City, an offense.....	903
Breaking animals in, an offense.....	904
Driving cattle, etc., through, etc., unlawful.....	905
Dogs running at large, unlawful.....	907
Dogs with mange prohibited from running at large.....	916
Animals must be tied so cannot get on.....	920

STREETS, SIDEWALKS, ETC.—Continued—		Section
Bicycles shall have lamps, gongs, etc., when.....	926	
Use of air guns, nigger shooters, etc., prohibited.....	929	
Discharging gravel, etc.....	930	
Throwing patent medicines into, prohibited.....	941a	
Council will pass Ordinances, etc., for improvement, etc....	1216	
City Engineer may lower grades of.....	1218	
City Engineer shall fix limits, etc., between streets and side-walks	1217	
Unlawful to construct streets without consent of Council...	1219	
Telegraph, etc., shall keep deposit to restore, etc.....	1223	
Storing, etc., fruits, etc., on, unlawful.....	1239	
Impeding safe, etc., passage of vehicles along, an offense...	1245	
Endangering passage along while building, etc., an offense..	1246	
Removing street construction materials, prohibited.....	1249	
Placing obstructions in streets without written permission	1249	
Hitching, etc., of horses, etc., between certain portions of certain streets, prohibited, between certain hours.....	1253	
Automobiles standing on certain portions of streets, between certain hours, prohibited, etc.....	1253	
Hay wagons; stands for.....	1254	
Unlawful acts by those selling hay from wagons.....	1255	
Poles in, for electric lights, etc., to be kept painted.....	1269	
Unlawful to mar, etc., poles in.....	1270	
City Electrician to designate location of poles.....	1271	
Location of poles in shall be changed, when.....	1272	
Poles, etc., shall not be erected, except as provided by Ordinances	1274	
Permit necessary for erection of poles, etc.....	1275	
No two lines of poles bearing same conductor on same side	1276	
Poles, how erected, etc.....	1277	
Each line of poles to run on same side of.....	1278	
Advertising matter, etc., not to be placed on poles.....	1279	
Companies shall file agreement for joint use.....	1280	
Companies shall file acceptance in writing, of Ordinance....	1281	
City Electrician may change location of poles.....	1282	
Poles, how painted.....	1283	
Unlawful to wash vehicles on paved.....	1306	
Unlawful to mix mortar, etc., on.....	1307	
Unlawful to make fire on.....	1308	
Unlawful to wash horses, etc., on.....	1309	
Width of tires of vehicles.....	1310	
Hauling gravel, etc., in certain character of wagons, prohibited	1312	
Throwing articles from upper story of buildings, etc., prohibited	1316	
Throwing trash, etc., on, a nuisance.....	1318	
Throwing paper, etc., on, unlawful.....	1319	
Permitting paper, etc., to remain on, an offense.....	1320	
Parades unlawful, without permit.....	1323	
Circuses prohibited from parading between certain dates...	1324	
Unlawful to permit water from hydrants, to run on.....	1326	
Discharge of water from fountains, etc., on, prohibited....	1327	
Regulating use of Stuart Avenue.....	1333	
Changing name of Montgomery Avenue.....	1335	
Changing name of Willow Street.....	1336	
Handing out, etc., advertising matter on, prohibited.....	1290	
Unlawful to dig ditches across.....	1238	
STRUCTURES—		
See Parks, etc.		
STUART AVENUE—		
Regulating use of.....	1333	
SWITCHING CREW—		
See Railways.		
SUBDIVISIONS—		
See City Engineer; Streets, Sidewalks, etc.; Sewers, Plumbing, etc.		
Property subdivided, shall be laid out under direction of City Council, etc.....	247	
Unlawful to lay out, etc., property, when.....	248	
Officers, etc., shall not do, etc., work, etc., upon streets in, unless requirements of Ordinances have been complied with	249	
SUGAR—		
See Weights and Measures.		

SUNDAY LAW—	Section
See Public Peace and Order.	
SUPERFICIAL MEASURES—	
See Weights and Measures.	
SUPERINTENDENT OF GARBAGE—	
Member of Health Department.....	369
Creation of office.....	370
Duties, etc.	379
Salary	383
SUPERINTENDENT OF POLICE—	
See Chief of Police; Police Department; Police; Carriers; Controller; Corporation Court; Explosives, Inflammables, etc.; Health; Vital Statistics; Pawnbrokers, Second-hand and Junk Dealers; Public Morals and Decency; Public Peace and Order; Public Policy; Public Safety; Public Pound; Street Railways; Streets, Sidewalks, etc.; Occupa- tion Taxes; Taxes and Taxation.	
SUPERVISOR OF HYGIENE—	
Health Officer shall obtain monthly report from.....	398, 409
Shall examine pupils for vaccination.....	486
Shall prevent pupils not vaccinated, etc., when.....	486
Shall certify to principal, etc., when child sick from certain diseases may attend school.....	488
SUPERVISORS OF ELECTIONS—	
See Elections, Primary.	
SURGEONS—	
See Physicians; Vital Statistics.	
SURVEYS—	
See City Engineer; Engineering Department; Subdivisions.	
City Engineer to ascertain established monuments.....	234
Original determined by W. H. Griffin, C. E., recognized, etc.	235
City Engineer shall make, etc.....	236
City Engineer shall fix property lines, etc.....	237
Existing lines not to be changed, except.....	238
Maps, etc., property of City.....	243
Fees of City Engineer.....	244
SWEEPING—	
See Sidewalks, etc.	
SWIMMING POOLS AND NATATORIUMS—	
Unlawful to maintain, etc., without complying with require- ments, etc., of Ordinances.....	449
Board of Health, etc., charged with enforcement of Ordina- nces	449
How often cleaned and emptied.....	450
Sides and bottoms to be white.....	451
Persons intoxicated or with certain diseases, not to use....	452
Persons before entering to thoroughly cleanse body.....	453
Changes in construction of, how and when made.....	454
Hereafter plans for, to be approved by Board of Health...	455
Smoking and chewing tobacco around, prohibited.....	456
Spitting, etc., in water of, prohibited.....	456
Signs to be posted calling attention to spitting.....	456
Copy of Article covering to be posted.....	457

T

TANKS—	
See Sewers, Plumbing, etc.	
TAR—	
See Explosives, Inflammables, etc.	
TAXES AND TAXATION—	
See Saloons, Regulation, etc.; Controller; Corporate Limits.	
Levies, etc.	1338
City may foreclose lien for.....	1339
All property in City subject to, except.....	1340
Occupation Taxes—	
Duty to pay occupation.....	1340a
Penalty for not paying.....	1340a
Levy, etc., of.....	1341
Various occupations, etc., subject to payment of.....	1341 (a)-1341 (k-k)
Assessor to give receipt.....	1342
License to be posted.....	1343
License must be posted conspicuously, etc.....	1344

TAXES AND TAXATION—Continued—	Section
License must be exhibited to Assessor and Collector, etc., Chief of Police, etc.....	1344
Assessor and Collector and Chief of Police to enforce.....	1345
Prosecutions for non-payment may be dismissed, when....	1346
Occupation Taxes, Liquor—	
For selling spirituous, etc., liquors, etc.....	1347
Application for license; contents; must be sworn to.....	1348
License granted or refused, when.....	1348
License revoked, when.....	1348
Taxes to be paid in advance.....	1348
License to be posted, etc.....	1348
Hearing on application for license, when Mayor, etc., not satisfied	1349
Action by Mayor, etc., on application.....	1349
Licenses not to be issued for longer than one year.....	1350
Licenses to expire 31st day of December.....	1350
Licenses to state, what.....	1350
Transfer of license.....	1351
Sale of license under execution.....	1351
Refund of unused portion of license.....	1352
Change of place of business.....	1353
Number of licenses limited.....	1354
Penalty for engaging in business without license.....	1355
Payment of United States tax, etc., prima facie evidence, etc.	1356
Secretary to keep record, etc.....	1357
Assessor and Collector—	
Creation of office, appointment, etc.....	1358
Oath, bond, etc.....	1359
Deputies, appointment, oath, bond, duties, etc.....	1360
Power to administer oaths, etc.....	1361
Duties of	1362
Receiver and collector of taxes, moneys, etc.....	1363
Shall perform certain Charter duties.....	1362-1363
Shall pay over daily to Treasurer all moneys received, etc..	1363
Executive head of office, etc.....	1364
Shall furnish copy of assessment sheets, etc., when.....	1365
Collection of taxes on personal property, etc.....	1366
May seize for taxes.....	1366
Shall make monthly reports, etc.....	1367
Chairman Board of Appraisement—	
Tax and Land Commissioner—	
Shall perform certain Charter duties, etc.....	1362-1363
Rendition, Assessment, etc., for—	
Assessor and Collector to prepare inventory, etc., when....	1368
Assessor and Collector, etc., shall take inventory, etc., when	1369
Property owners shall render to Assessor and Collector, etc., when, etc.....	1370
Property to be listed on blanks furnished by City.....	1371
Property shall be described by reference to Assessor's block books, etc.	1372
But one tract to be placed on line.....	1373
Improvements to be assessed separately.....	1374
Oath to be taken by property owners.....	1375
Assessor and Collector, etc., to inventory, etc., unrendered property, when	1376
Assessor and Collector shall keep block books.....	1377
Assessment sheets to be bound, etc.....	1378
Notice of meeting of Board of Appraisement must be pub- lished, etc.	1379
Assessor and Collector shall prepare two rolls after Board of Appraisement has completed its work, etc.....	1380
What shall be shown by said rolls.....	1381
Assessor and Collector shall sign each sheet of rolls.....	1382
Assessor and Collector shall swear to rolls.....	1383
Certificate of Board of Appraisement.....	1384
Disposition of certificates, after being sworn to.....	1385
When approved by City Attorney, to be read at Council meeting	1386
Assessor and Collector to be charged in amount of rolls....	1387
Supplemental assessment roll to be made up, etc.....	1388
Chapter directory mostly.....	1389
Collection—	
Rolls to be completed by July 1st.....	1390
Receipts and stubs, etc.....	1391
Moneys received to be credited to particular tract.....	1392
All taxes a lien against the property, etc.....	1393

TAXES AND TAXATION—Continued—	Section
Personal judgment may be recovered against the delinquent	1394
No part, legally due, to be remitted, etc.....	1395
City Council has no authority to extend time for payment..	1396
When Assessor and Collector, etc., are authorized to divide assessments, etc.	1397
Assessor and Collector must not divide assessments so as to allow partial payments.....	1398
Delinquent Tax Attorney—	
Creation of office, appointment, etc.....	1399
Duties, etc.	1400
Officer of Tax Department; salary.....	1401
Delinquent, etc.—	
Delinquent tax roll to be prepared, when, etc.....	1402
Payments shall be noted on Delinquent Roll.....	1403
Assessor and Collector to furnish statements to Delinquent Tax Attorney	1404
Assessor and Collector entitled to \$2.00 for certain years...	1405
Taxes may be collected by suit for years 1875, etc.....	1406
Delinquent Tax Attorney to represent City in tax suits....	1407
Proper parties to be served with process in suits, etc.....	1408
Miscellaneous—	
Vague descriptions may be explained, etc.....	1409
Tax rolls prima facie evidence, etc.....	1410
Purchasers at tax sales subrogated, etc.....	1411
Exemptions from taxation.....	1412
Houston Light Guard Armory partly exempt.....	1413
Tax judgments may be transferred upon consent of delinquent taxpayer	1414
Assessor and Collector to furnish Mayor duplicate receipt..	1415
Court costs must be paid before transfer.....	1416
Procedure to buy property purchased by the City at tax sale, etc.	1417
Assessor and Collector to make receipts in duplicate, etc...	1418
Purchaser to receive deed.....	1419
Controller to furnish Delinquent Tax Attorney statement of costs paid by City.....	1420
Mayor, etc., authorized to sell property purchased by City at tax sales.....	1421
Delinquent Tax Attorney must vise all deeds, etc.....	1422
TAX LEVYING ORDINANCE—	
Omitted from this Code.	
TELEGRAPHS AND TELEPHONES, ETC.—	
See Electrical Department; Pool Rooms; Sidewalks; Streets, Sidewalks, etc.; Bill Posting.	
Manholes for underground systems, etc., to be located by City Electrician	205
Cross wires to be five feet apart.....	207
Wires only placed under sheds by consent.....	208
May use property of other corporation.....	210
City may change mode of conducting wires.....	211
Duty in case of broken wire.....	213
When wires improperly constructed.....	214
Unlawful to furnish, etc., to owners, etc., of pool rooms, messages	886
Wires, etc., remaining in pool rooms, prohibited.....	887
Unlawful to furnish, etc., to pool rooms, messages.....	888
Wires, etc., to pool room establishments, prohibited.....	889
Shall keep \$200.00 deposited with Treasurer, etc.....	1223
Poles to be kept painted.....	1269
Unlawful to mar, etc., poles.....	1270
City Electrician to designate the location of.....	1271
Location of poles shall be changed when directed.....	1272
Shall not erect poles, etc., except as provided by Ordinances	1274
Permit necessary for erection of poles.....	1275
Two lines of poles, same side of street, not allowed, when..	1276
How poles to be erected.....	1277
Each line of poles to run on same side of street.....	1278
Advertising matter not to be placed on poles.....	1279
Shall file agreement for joint use.....	1280
Must file permission for use by City.....	1281
City Electrician may change location of.....	1282
Poles to be painted, etc.....	1283
Bill posters shall not affix to poles, etc., any sign, etc.....	1295
Tying of hand bills, etc., to poles, etc., a nuisance.....	1318

TELEPHONES—

See Telegraphs and Telephones, etc.	
Regulations for government and operation of corporations having franchise	989
Rates of charges	990
Penalty	991
Rates of charges to fire stations and public schools	992
Additional license fee	993
Annual Reports—	
Sworn, to be filed between January 1st and March 1st	995
Contents of	996
Facts as to gross income	997
Facts as to operating expenses	998
What to be shown, if corporation is operating telephones in other cities, etc.	999
Requirements as to oath	1000
To be filed and published, when	1001
Penalty	1002

TENANT—

See Garbage.

TETANUS—

See Communicable Diseases.

THEATRES—

See Board of Censors; Moving Picture Shows; Moving Picture Machines.	
Permit necessary to conduct	16
Application in writing for permit; contents	17
Mayor and Council may refuse permit, when	18
Applicant must give bond	19
All existing theatres to comply	20
Penalty	21
Provisions for construction of	22
Penalty for not keeping aisles clear, etc.	22
Penalty for violating terms with reference to construction, etc.	24
Unlawful to construct, etc., contrary to Ordinances, when ..	25
Not constructed as required, a nuisance	26
Buildings now used, etc., to be provided with exits, etc.	27
Unlawful to smoke in	28
Unlawful to use oil stoves in	29
Stoves used must be approved	30
Fire extinguishers to be kept in, etc.	31
Unlawful to sleep in	32
Shall furnish clean programs	36a
Penalty	36b
Penalty, employee, etc.	36c
Unlawful to enter, etc., without payment admission fee, etc.	837
Occupation tax for	1341 (m)

TIRES—

Width of, prescribed, etc.	1310
---------------------------------	------

TOILET ROOMS—

See Food Products; Sewers, Plumbing, etc.

TOWELS—

Maintenance of roller in public place, a nuisance	419
Barbers shall use clean for each person	436 (c)

TRACKS, RAILWAY—

See Street Railways; Railways.	
To be maintained on a level	1140
To be repaired, etc.	1141
Street railway shall water	1169

TRAFFIC, STREET—

See Streets, Sidewalks, etc.; Railways; Street Railways; Public Peace and Order; Public Safety; Carriers; Vehicles.	
Definitions of "driver," "street," "curbs," "person," "persons," and "vehicles"	1298
Drivers, etc., of vehicles must familiarize themselves with "Rules of the Road," etc.	1299
Want of familiarity prima facie evidence of negligence in civil action	1299
Failure to observe traffic Ordinances negligence per se	1300
Speed limit in various parts of City, and under various conditions	1301
Rules and regulations governing drivers, etc., of automobiles, etc.	1302

TRAFFIC, STREET—Continued—	Section
Rules of the Road, etc.—	
Shall keep to right of center line of streets, etc.....	1302 (1)
Meeting vehicles shall pass to right.....	1302 (1)
Shall not drive or pass abreast.....	1302 (2)
Overtaking vehicles, how pass.....	1302 (2)
On avenues, etc., with parkway, etc., shall keep to right division	1302 (3)
Turning corners or in streets, etc., observations to be made	1302 (4)
Turning corners, how done.....	1302 (5)
Not to pass vehicles at street intersections going in same direction	1302 (6)
Vehicles turning to left shall enter other streets, how.....	1302 (7)
Positions, etc., of vehicles with reference to curbs.....	1302 (8)
Stopping, etc., in streets, prohibited, except.....	1302 (9)
Crossings not to be obstructed.....	1302 (9)
Stopping, etc., at intersections, prohibited.....	1302 (10)
Discharge, etc., of passengers.....	1302 (10)
Passing, etc., street cars receiving, etc., passengers.....	1302 (11)
Traffic Officer to be obeyed.....	1302 (11)
Right of way of various vehicles.....	1302 (12)
Signals to be given when intending to stop.....	1302 (13)
Other signals	1302 (13)
Distance between vehicles approaching, etc., crossings.....	1302 (14)
Duty on receiving signal of intention to pass.....	1302 (15)
Pedestrians crossing streets.....	1302 (16)
Curbs not to be monopolized.....	1302 (17)
Vehicles, how loaded, with iron, etc.....	1302 (18)
Vehicles, contents of to be covered, when.....	1302 (19)
Funeral processions, lines of, etc., not to be crossed.....	1302 (20)
Funeral processions, when standing.....	1302 (20)
Permits necessary for vehicles drawing another, except....	1302 (21)
Bicycles, etc., prohibited on sidewalks, etc.....	1302 (22)
Pedestrians not to obstruct sidewalks, etc.....	1302 (23)
Certain vehicles to have gongs, etc.....	1302 (24)
Gongs not to be sounded, except.....	1302 (24)
Gongs, character of.....	1302 (24)
Steam, emission of, etc., by motor vehicle.....	1302 (25)
Automobiles, lights on after sunset.....	1302 (26)
Certain vehicles using electric lights, etc., must be equipped with turn-down, etc.....	1302 (27)
Horse drawn vehicles to display lights, when.....	1302 (28)
Traffic Officers, directions of to be obeyed.....	1302 (29)
Certain vehicles have right of way; duty of other vehicles..	1302 (30)
Speed limit for vehicles of Police Department in certain limits	1302 (30)
Drivers of vehicles, duty of on approach of fire apparatus..	1302 (31)
Obstruction of streets by vehicles, etc., prohibited.....	1302 (32)
Vehicles loaded with merchandise, etc., not to be driven on Main Street, between, except.....	1302 (33)
Street cars to stop, when and where, etc.....	1302 (34)
Police Department, etc., has right of way through proces- sions, when	1302 (35)
Obstruction of intersecting streets by vehicles proceeding in procession, prohibited.....	1302 (36)
Street car drivers to notify pedestrians if can pass.....	1302 (37)
Street cars loading, etc., passengers, to stop, where.....	1302 (38)
Property left in vehicles for hire, disposition of.....	1302 (39)
Vehicles shall not drive on, etc., fire hose, etc.....	1302 (40)
Spreaders of animals drawing vehicles, prohibited.....	1302 (41)
Horses not to be left unhitched, unless.....	1302 (42)
Horses shall not be left unbitted, unless.....	1302 (43)
Wheels, etc., not to be removed, unless.....	1302 (44)
Streets, etc., not to be used for breaking animals, etc.....	1302 (45)
Horses, etc., not to be hitched to fire alarm box, etc.....	1302 (46)
Spitting in, etc., street cars, etc., prohibited.....	1302 (47)
Street railways, etc., shall post notice forbidding spitting..	1302 (48)
Hanging on certain vehicles by persons riding bicycles, etc., prohibited	1302 (49)
Obstructions of streets, etc., by organizations, etc., without permit, prohibited	1302 (50)
Police, duty to familiarize themselves with traffic Ordi- nances, etc.	1302 (51)
Persons using streets, duty of.....	1302 (51)
Drivers, etc., in case of accidents, etc., due to driving, duty of	1302 (52)

TRAFFIC, STREET—Continued—		Section
Vehicles not to stand longer than; exceptions.....		1303
Drivers shall not refuse, etc., to stop, etc., as directed by police		1304
Penalties for violation of traffic Ordinances.....		1305
TRAFFIC OFFICERS—		
To be obeyed.....		1302 (11)
Directions to be obeyed.....		1302 (29)
Directions by police.....		1304
TRAMPS—		
Who are, etc.....		939
TRANSFERS—		
See Street Railways.		
TRAPS—		
See Sewers, Plumbing, etc.		
TRASH, ETC.—		
See Garbage.		
Burning prohibited, unless.....		309
Throwing, etc., on sidewalks, etc., prohibited.....		1318
Unlawful to throw on streets, etc.....		1319
Unlawful to permit to remain on street, etc.....		1320
When no offense.....		1322
TREASURER—		
Creation of office, etc.....		1423
Duties of.....		1424
Other duties		1425
Bonds to be given.....		1426
Salary		1427
TREES—		
Destroying, etc., in public grounds, prohibited.....		686
Limbs, etc., must be eight feet above sidewalks.....		1241
Advertising matter, etc., shall not be affixed to.....		1295
TRESPASS—		
See Intrusions.		
TUBERCULIN TEST FOR COWS—		
See Milk and Milk Products.		
TUBERCULOSIS—		
See City Chemist and Bacteriologist; Swimming Pools and Natatoriums; Communicable Diseases; Contagious Diseases; Infectious, etc., Diseases; Physicians; Food Products.		
TUNNEL—		
Unlawful to establish less than two feet below established grade, etc.		1204
TURKEYS—		
See Fowls.		
TYPHOID AND TYPHUS—		
See City Chemist and Bacteriologist; Communicable Diseases; Contagious Diseases; Infectious, etc., Diseases; Physicians; Food Products.		

U

UNDERTAKERS—	
See Vital Statistics; Burials.	
Shall register name, etc., with Health Officer.....	479
Shall notify Health Officer of change of address.....	479
USING ANIMALS, ETC.—	
See Animals.	

V

VACANT LOTS—	
See Grounds; Stagnant Water.	
VACCINATION—	
Board of Health may require.....	389
Health Officer to vaccinate free.....	406
Persons shall not refuse to be vaccinated.....	486
Persons shall not refuse to allow minor to be vaccinated...	486
Supervisor of Hygiene shall examine pupils for.....	486
Supervisor of Hygiene shall prevent pupils from entering schools, when	486

VALVES—	Section
See Sewers, Plumbing, etc.	
VAULTS—	
See Moving Picture Film Exchanges; Privies, Vaults, Closets, Cesspools, etc.; Scavenger.	
VEHICLES—	
See Carriers; Fire Department; Contagious Diseases; Mar- ket House, etc.; Parks, etc.; Animals; Public Safety; Streets, Sidewalks, etc.; Sidewalks; Traffic, Street; Tires.	
Drivers of, for hire, to see that has license.....	64
Owners of, for hire, must give bond.....	65
Receiving or discharging passengers.....	75
Occupying streets abutting Market Square, how con- structed	604
Driving in parks, etc.....	665, 666
Using without consent of owner, etc.....	872
Wantonly causing collision of.....	928
Duty of driver of, in case of collision.....	922
Riding, etc., on sidewalks, etc.....	1247
Prohibited from standing, etc., on certain portions of cer- tain streets, between certain hours, etc.....	1253
Width of tires prescribed.....	1310
Driving on sidewalks, prohibited, except.....	1315
Regulating use of Stuart Avenue, etc.....	1333
VENEREAL DISEASES—	
See Food Products.	
VENTILATION—	
See Barber Shops; Sewers, Plumbing, etc.	
VENT PIPES—	
See Sewers, Plumbing, etc.	
VENTS—	
See Sewers, Plumbing, etc.	
VETERINARY SURGEONS—	
Shall report to Board of Health certain diseases.....	494
Examination, etc., of milk cattle.....	512
VESTIBULES—	
See Street Railways.	
VITAL STATISTICS—	
Physicians, surgeons and midwives shall report births of children	571
Undertakers shall file death certificates.....	572
Physicians, etc., to fill out death certificates.....	575
Health Officer to give death certificate, when.....	576
Record to be kept by Health Officer of births and deaths...	578
Undertakers to make examination and keep records of cer- tain bodies prepared for burial.....	581
Undertakers shall give notice to Health Officer in certain cases	581
Hospitals, etc., to keep certain permanent records.....	583
Examination and record by physicians attending on hos- pitals, etc., in certain cases.....	583
Undertakers shall not bury, etc., certain bodies, without examination, etc.	584
Policemen, etc., to keep complete permanent record in cer- tain cases	586
All such records to be produced for inspection, etc.....	587
VOTERS—	
See Elections.	
W	
WAGONS—	
See Garbage; Scavenger; Explosives, Inflammables, etc. (Oil); Market House, etc.; Collisions.	
WARRANT OFFICERS—	
Members of Police Department.....	707
Duties of	717
WASH ROOMS—	
See Food Products.	
WASTE, ETC.—	
See Sewers, Plumbing, etc.	
WATCHMEN—	
See Fire Department; Private Watchmen.	

WATER—	Section
See Buffalo Bayou; Sewers, Plumbing, etc. (provisions affecting Water Department); Water Department; Board of Health; City Chemist and Bacteriologist; Nuisances.	
Board of Health has supervision of supply.....	395
City Chemist and Bacteriologist shall examine, when.....	407
Pollution of wells, etc., nuisance.....	412
Accumulation of, in which mosquito larvae breeds, nuisance	418
Stagnant, standing, etc.....	424
Cisterns, etc., for, to be screened.....	425
Unlawful to permit to run from hydrant on sidewalks, etc.	1326
Discharge of, from fountains, etc., on streets, etc., prohibited	1327
Unlawful to turn on without permit.....	1436
Taking water, etc., from hydrants, etc., prohibited.....	1438
Not to be taken from public cisterns, etc.....	1440
WATER CLOSETS—	
See Scavenger; Privies, Vaults, Closets, Cesspools, etc.; Food Products; Sewers, Plumbing, etc.; Water Department (Rule 8, Sec. 1454).	
WATER GATES—	
See Openings in Streets.	
WATER COMMISSIONER—	
Member of Water Department.....	1429
Executive head of Water Department.....	1429
Duties of	1429
Authority, duties, etc.....	1432
WATER DEPARTMENT—	
See Sewers, Plumbing, etc. (provisions affecting Water Department); Water Commissioner; Water.	
Creation of, etc.....	1428
Composition of	1429
Cashier of; duties, official bond, liability, etc.....	1430
Other officers, etc.; appointment, bonds, etc.....	1431
Salaries	1433
Unlawful to deface property of, etc.....	1434
Fire hydrants placed by, not to be interfered with.....	1435
Unlawful to turn water on without permission of.....	1436
Obstruction of access to hydrants, prohibited.....	1437
Persons not to take water from hydrants, etc., except.....	1438
Persons shall not put filthy substances, etc., into City reservoir	1439
Persons shall not take water from public cisterns, unless..	1440
Connections, etc., not to be made, except.....	1441
Attachments, repairs, etc., not to be made, except.....	1442
Service pipe not to be entered, etc.....	1443
Report of connections to be made, etc.....	1444
Owners to keep in repair, etc.....	1445
Water not to run, etc.....	1446
Yard fountains, used how.....	1447
Hours for sprinkling.....	1448
Feed pumps to take water, how.....	1449
Construction for supplying boilers.....	1450
Water to be applied as stated in application.....	1451
Connections not to be made with private supply pipes.....	1452
Penalty	1453
Rules, Regulations, etc., for protection, etc., of Water Works	1454
Water rents due, etc., first of month in advance.....	1455
Cash payments on or before 10th, allowed discount of 5%..	1456
Consumers of water not guaranteed specific quantity, etc...	1457
Use of water through fire plugs, etc.....	1457
Penalty for use of water through fire plugs, etc.....	1457
Written application to be made for water connection, etc..	1458
Water to be furnished owner of building, etc., only.....	1459
Consumer may obtain test of water meter, how.....	1460
Test of water meter.....	1461
After test; fees, etc.....	1462
Scaling water bill, etc., unlawful, unless.....	1463
Charges for water, where no meter.....	1464
Charges for water furnished through meters.....	1465
Tapping charges	1466
Charges for rental of meters.....	1467
Connections larger than one inch, metered at expense owner	1468
Meters, etc., property of City.....	1469
Unlawful to interfere with meters, penalty.....	1469

WATER DEPARTMENT—Continued—	Section
Construction of Latérals by Individuals—	
Persons, etc., may, at their own expense, connect with mains, etc.,	1470
Permit from Council necessary; conditions.....	1471
Bond to be given; conditions of.....	1472
Connection to be made by Department, at cost of applicant.	1473
Conditions under which connections may be made by certain persons with such lateral pipe, etc.....	1474
Persons constructing, etc., the owners.....	1475
City may purchase such laterals.....	1476
Penalties	1477-1478
Work to be done in accordance with provisions of Chapter..	1479
WATER RATES—	
See Water Department.	
WATER TROUGHS—	
See Rule 8, Section 1454.	
WEEDS, ETC.—	
See Nuisances; Grounds; Health Officer.	
WELLS—	
See Board of Health; Nuisances.	
Leaving open, etc., prohibited.....	935
WEIGHTS AND MEASURES—	
Sealer	1480-1489
Standards adopted	1490
Commodities bought, etc., by weight, etc., must be in accordance with standards.....	1490
Weights, etc., to be approved, etc., before sale, etc., by peddlers, etc.	1491
Weights, etc., must be inspected and sealed.....	1492
Sales, etc., in quantities of less weight, etc., than represented, etc., an offense.....	1493
Penalty	1493
Sales, etc., of commodities ordinarily sold, etc., by dry measure, prohibited by wet measure.....	1494
Unlawful to sell, etc., commodities by other standards, etc., than prescribed	1495
Sale, etc., of commodities ordinarily sold, etc., in bulk, by weight, etc., prohibited, unless.....	1496
Unlawful for vender of commodities ordinarily sold, etc., by weight, etc., to sell, etc., unless using weights, etc., inspected, etc.	1497
Venders prohibited from using, etc., weights, etc., unless...	1498
Venders prohibited from selling, etc., original packages, etc., of commodities ordinarily sold, etc., by weight, etc., unless true net weight, etc., is plainly stamped, etc.....	1499
Computing scales	1500
Unlawful to refuse to exhibit to Sealer for inspection, etc., any weights, etc.....	1501
Unlawful to obstruct, etc., the Sealer and Deputies.....	1502
Unlawful for any person, except Sealer, etc., to change, etc., officially tested, etc., weights, etc., or remove seal, etc...	1503
Specific Articles, Sales of—	
Coal, etc., venders to sell, etc., on basis of true net weight..	1504
Coal, etc., hundredweight and ton.....	1505
Coal, etc., in sacks, true net weight to be marked thereon...	1506
Coal, etc., venders to provide drivers with delivery tickets..	1507
Coal, etc., contents of delivery tickets.....	1507
Coal, etc., verification weight shown on delivery tickets, etc.	1508
Ice, venders to weigh at delivery.....	1509
Ice, steelyard, etc., to be used.....	1509
Ice, to be sold by avoirdupois weight, unless.....	1509
Ice, tongs used in delivering to be stamped with weight...	1510
Fire wood, standard cord.....	1511
Fire wood, unlawful to sell, etc., except by cord, etc.....	1511
Butter, unlawful to sell in prints, etc., other than in terms of pounds, etc.....	1513
Bread, sign stating weight of each loaf to be posted.....	1514
Bread, weighing of.....	1515
Bread, rolls, etc., not within provisions.....	1516
Small fruits, etc., in packages.....	1517
Cotton, certificates showing true net weight, etc.....	1518
Cotton, false weights, etc., unlawful.....	1518
General Provision—	
Fixing Penalties	1519

WET MEASURES—	Section
See Weights and Measures.	
WHARVES, ETC.—	
See Corporate Limits; Harbor Department.	
WHEELBARROWS—	
See Sidewalks.	
WHARFAGE—	
See Harbor Department.	
WHISTLES—	
See Railways.	
WHITE OAK BAYOU—	
See Buffalo Bayou.	
WHOOPING COUGH—	
See Physicians; Communicable Diseases; Contagious Diseases; Placards; Principals, Teachers, etc.; Supervisor of Hygiene; Food Products.	
WILLOW STREET—	
Changing name	1336
WIRES—	
See City Electrician; Electrical Department; Telegraphs and Telephones; Electric Light Companies; Street Railways.	
WITNESSES—	
See Harbor Department; Corporation Court; Public Policy.	
WOOD—	
See Fire Wood; Weights and Measures.	
WOOL—	
See Weights and Measures.	
WOUNDED ANIMALS—	
See Animals; Chief of Police.	

Y

YARDMASTER—	
See Railways.	
YARD STICKS—	
See Weights and Measures.	
YELLOW FEVER—	
See Contagious Diseases; Burials; Food Products.	



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